



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC  
ENVIRONMENT**

**CIRCULATED SCHEDULE NO. 49/07**

**Date to Members: 07/12/07**

**Member's Deadline: 14/12/07**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 12 noon)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (by 12 noon) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Area Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development
- g) Applications for the following major development:
  - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
  - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Team Leader first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email [planningapplications@southglos.gov.uk](mailto:planningapplications@southglos.gov.uk). Please do not phone your requests, as messages can be lost or misquoted.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised

## CIRCULATED SCHEDULE

**DATE: 07/12/07**

**SCHEDULE NO. 49/07**

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 12 noon), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email [Planningapplications@southglos.gov.uk](mailto:Planningapplications@southglos.gov.uk).

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

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### COUNCILLOR REQUEST TO REFER A REPORT FROM THE CIRCULATED SCHEDULE TO THE APPROPRIATE COMMITTEE

NO. OF SCH	APP. NO.	SITE LOCATION	REASON FOR REFERRAL
<b>Have you discussed the application(s) with the case officer and/or area team leader?</b>			
<b>Have you discussed the application with the ward members(s) if the site is outside your ward?</b>			

**Please note: - Reason for Referral**

The reason for requesting Members to indicate why they wish the application to be referred, is to enable the Committee to understand the reason for referral in the determination of the application, or to allow officers to seek to negotiate with the applicant to overcome the Member's concerns and thereby perhaps removing the need for a Committee determination.

**SIGNATURE .....**

**DATE .....**

# Circulated Schedule 07 December 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/0693/RM	Approve with conditions	4 & 5 Petty France Cottages Petty France Nr Badminton GL9 1AF	Cotswold Edge	Hawkesbury Upton Parish Council
2	PK07/1477/CLE	Refusal	209 Overndale Road Downend South Gloucestershire BS16 2RQ	Downend	Downend and Bromley Heath
3	PK07/1631/F	Refusal	9 Broad Lane Yate BRISTOL South Gloucestershire BS37 7LD	Ladden Brook	Iron Acton Parish Council
4	PK07/1938/F	Approve with conditions	Cawthorne Signal Road Staple Hill BRISTOL South Gloucestershire BS16 5PE	Staple Hill	None
5	PK07/2895/F	Refusal	31 Tower Road South Warmley South Gloucestershire BS30 8BL	Parkwall	Oldland Parish Council
6	PK07/2927/CLE	Refusal	Little Acre Dyers Lane Iron Acton South Gloucestershire BS37 9XT	Ladden Brook	Iron Acton Parish Council
7	PK07/2931/CLE	Approve with conditions	Little Acre Dyers Lane Iron Acton South Gloucestershire BS37 9XT	Ladden Brook	Iron Acton Parish Council
8	PK07/3027/RM	Refusal	Former Woodstock School Site Courtney Road Kingswood South Gloucestershire BS15 9RL	Woodstock	None
9	PK07/3054/F	Approve with conditions	Land to rear of St Agnes & Dog Hill House High Street Hawkesbury Upton South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Upton Parish Council
10	PK07/3078/F	Approve with conditions	Land at 208 North Road Yate South Gloucestershire BS37 7LQ	Ladden Brook	Iron Acton Parish Council
11	PK07/3209/F	Approve with conditions	20 Tyler Close Hanham South Gloucestershire BS15 9NG	Hanham	Hanham Parish Council
12	PK07/3221/F	Approve with conditions	1 Willow Close Warmley South Gloucestershire BS30 5HZ	Oldland Common	Bitton Parish Council
13	PK07/3223/F	Approve with conditions	22 Pines Road Bitton South Gloucestershire BS30 6JN	Bitton	Bitton Parish Council
14	PK07/3233/F	Approve with conditions	55 Stockwell Drive Mangotsfield South Gloucestershire BS16 9DW	Rodway	Mangotsfield Rural Parish Council
15	PK07/3335/F	Approve with conditions	10 Highleaze Road Oldland Common South Gloucestershire BS30 9SG	Oldland Common	Bitton Parish Council
16	PK07/3386/F	Approve with conditions	21 Kings Drive Hanham South Gloucestershire BS15 3JH	Hanham	Hanham Abbots Parish Council
17	PT07/0650/O	Approve with	Land at Elm Park adj. Shellard Road	Filton	Filton Town Council

		conditions	Filton South Gloucestershire		
18	<b>PT07/3140/F</b>	Approve with conditions	11 Rudgeway Park Rudgeway South Gloucestershire BS35 3RU	Thornbury South and Alveston	Alveston Parish Council
19	<b>PT07/3205/F</b>	Approve with conditions	56 Begbrook Park Frenchay South Gloucestershire BS16 1NF	Frenchay and Stoke Park	Winterbourne Parish Council
20	<b>PT07/3292/F</b>	Approve with conditions	63 Cornfield Close Bradley Stoke South Gloucestershire BS32 9DN	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
21	<b>PT07/3295/F</b>	Approve with conditions	47 Silver Birch Close Little Stoke South Gloucestershire BS34 6RN	Stoke Gifford	Stoke Gifford Parish Council
22	<b>PT07/3347/F</b>	Approve with conditions	2 Conygre Road Filton South Gloucestershire BS34 7DA	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

<b>App No.:</b> PK07/0693/RM	<b>Applicant:</b> Mr P Davies
<b>Site:</b> 4 & 5 Petty France Cottages Petty France Near Badminton GL9 1AF	<b>Date Reg:</b> 1st March 2007
<b>Proposal:</b> Erection of 2no. dwellings. (Approval of reserved matters to be read in conjunction with outline planning permission PK04/4077/O)	<b>Parish:</b> Hawkesbury Upton Parish Council
<b>Map Ref:</b> 78706 85623	<b>Ward:</b> Cotswold Edge



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 100023410, 2007.

**N.T.S**

**PK07/0693/RM**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule as a result of objections received from local residents and Hawkesbury Upton Parish Council; the objections being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a 0.59 ha. plot of land situated to the rear of Petty France Cottages. The plot was formerly domestic gardens to the Cottages but is now vacant and overgrown. The Cottages themselves are a terrace of 3 no. lying adjacent to the western side of the A46. A caravan site lies to the rear of the plot but is currently disused, an earth bund lies on the boundary of the plot with the caravan site. Open fields bound the plot to the north, a PROW lies within this field. Access is currently via a driveway off the A46 running to the south of The Cottages beyond which lies a scatter of individual residential properties and farm buildings. A second access track, off the A46, runs to the north of the Cottages and is currently used only by no.3, the northernmost of the three cottages. The site lies in open countryside within the Cotswolds AONB.
- 1.2 Outline planning permission (with siting and access determined) for the erection of two dwellings was granted on appeal in October 2005. This current application therefore relates **only** to the outstanding reserved matters of external appearance, design and landscaping.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 - General Policy and Principles  
PPG3 - Housing  
PPS7 - The Countryside: Environmental Quality and Economic and Social Development.  
PPG13 - Transport : Guide to Better Practice  
PPG15 - Planning and the Historic Environment

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 31 - Residential Development  
Policy 33 - Residential Development  
Policy 59 - Transportation Aspects of Development

South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design in New Development  
L1 - Landscape Protection and Enhancement  
L2 - Cotswolds AONB  
H3 - Residential Development in the Countryside  
H4 - Development within Existing Residential Curtilages  
T8 - Parking Standards  
T12 - Transportation Development Control Policy

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Check List (SPD) Adopted 23<sup>rd</sup> August 2007.  
South Gloucestershire Landscape Character Assessment – Area 1, Badminton Plateau.

### 3. RELEVANT PLANNING HISTORY

- 3.1 P95/1076 - Renovation and extension to three cottages.  
Approved 30<sup>th</sup> March 1995.
- 3.2 P97/1403 - Erection of 1 no. double detached garage (instead of single garage as previously approved).  
Approved 25<sup>th</sup> April 1997
- 3.3 P99/2252 - Erection of detached double garage with storage space over.  
Refused 15<sup>th</sup> Sept. 1999
- 3.4 P99/2674 - Erection of detached double garage with storage space over.  
Approved 17<sup>th</sup> November 1999
- 3.5 PK02/2134/F - Erection of detached double garage with storage space over.  
(Design amendments to planning permission P99/2674)  
Approved 9<sup>th</sup> August 2002
- 3.5 PK04/1638/O - Erection of 1 no. detached dwelling and associated works with siting and access to be determined (Outline) with all other matters to be reserved.  
Refused 15<sup>th</sup> July 2004 for reasons of:
- The site lies in open countryside and the proposal does not fulfil any of the limited Local Plan Policy criteria that would allow the erection of a new dwelling in the countryside.
  - The development would result in traffic turning and waiting on the A46, detrimental to highway safety.
- 3.6 PK04/4077/O - Erection of 2 no. dwellings (Outline) with access and siting. All other matters reserved.  
Refused 16<sup>th</sup> May 2005 for reasons of:
- The site lies in open countryside and the proposal does not fulfil any of the limited Local Plan Policy criteria that would allow the erection of a new dwelling in the countryside.
  - It has not been demonstrated that there is a local need for affordable housing in this location. Furthermore the site lies in open countryside, remote from any village boundary. The proposal would also result in a highway hazard. The proposal does not qualify as Low Cost Housing to Meet Local Needs or a Rural "Exception" Scheme.
  - The proposed development would result in traffic and waiting on the A46, a principal traffic route, thus adding to the hazards faced by other road users.

A subsequent appeal APP/P0119/A/05/1185816 was allowed on the 26<sup>th</sup> October 2005.



## 4. CONSULTATION RESPONSES

### 4.1 Hawkesbury Upton Parish Council

Object and require the following conditions:

- The existing septic tank should be inspected prior to the commencement of building works, to ensure that it is sufficient for the additional buildings.
- The drainage system is checked prior to the commencement of building, to ensure that it is adequate for the additional building.
- The boundary fence between the existing and proposed houses is re-sited to ensure that nos. 2, 3 & 4 use the northern access to the A46 and that 1,4 & Woodlands use the southern access to the A46 and hence no roundabout effect is created.
- The disparity in roof lines between existing and proposed houses is averted.
- The drawing omission of roof-lights is resolved.
- Building work is not allowed on Saturday afternoons or Sundays.
- Construction traffic use the northern access.
- Building materials used match those in the locality.

### 4.2 Other Consultees

None

### Other Representations

### 4.3 Councillor Sue Hope

- Only a maximum of 5 dwellings should use the southern access.
- The southern access should not be re-surfaced.

### 4.4 Local Residents

Following receipt of revised plans there were two rounds of consultations in all. 9no. pieces of correspondence have been received which raise objections to the proposal, 7no from the occupants of no.1 Petty France Cottages (the southernmost cottage) and 2no. from the occupants of 'Woodlands' a neighbouring property. The following is a summary of all the concerns raised:

- There will be insufficient capacity in the septic tank to cope with the extra dwellings.
- Existing septic tank overflows and is not fenced off.
- No.2 uses the southern access.
- Extra traffic and damage from construction traffic will result in increased maintenance of the southern access.
- The southern access is owned by the occupants of No.1.
- The original plans showed the northernmost new dwelling (plot 5) using the northern access but now both new dwellings (plots 4 & 5) would use the southern access.
- The new dwellings would be higher than the existing dwellings.
- The proposed first floor windows will look down into the bedroom windows of no.1.
- Overbearing impact and loss of light to the garden of no.1.
- Scale, design and elevations would adversely affect the visual amenity of the area.
- Adversely affect house values.
- Limestone gravel is not appropriate surfacing for driveways.
- Garages not big enough – insufficient parking provision.

- The earth bund on the western boundary should be removed.
- The proposed studies could be converted to bedrooms.
- Houses could be extended in the future.
- Dangerous access.
- Easternmost boundary should be a fence/wall/planting to maintain privacy, also access to new site should be solely to the south of the existing garage to no.1.
- Properties should be rented only.
- There are restrictive covenants on the site.
- There should be a barrier to prevent a roundabout effect for cars using northern and southern access.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The acceptance in principle of the erection of two dwellings on this plot, in the positions shown and utilising the existing access arrangements; has already been established with the granting on appeal of outline application PK04/4077/O. Officers must stress that, notwithstanding a number of objections relating to the access arrangements, since siting and access were determined at the outline stage, members need only concern themselves with the issues of design, appearance and landscaping, i.e. the reserved matters which are the subject this current application. For the avoidance of doubt however, and in light of the level of concern that has been raised about the access arrangements, further explanation of the access situation is warranted.

5.2 The original plans as submitted with outline application PK04/4077/O showed that the northernmost of the two access tracks would be used by no.3 (as existing) and the northernmost of the two new houses i.e. annotated as no.5 on the plans. The southern access would be used by nos. 1 and 2 Petty France Cottages, the neighbouring property known as 'Woodlands' and the southernmost of the new dwellings annotated as no.4 on the plans. In his decision letter the Inspector raised no objection to the use of either access.

5.3 In the appellant's statement however it was indicated that notwithstanding the submitted access details, the preference would be to use the southernmost access only and this was referred to at paragraph 11 of the Inspector's Decision Letter. The Inspector took a flexible approach to this matter stating that:-

*"In my view, consideration of this is a matter that could be dealt with by means of a condition requiring submission and approval of a detailed scheme for the access arrangements."*

5.4 The following is condition 5 that was attached to the outline planning permission:-

*"No development shall take place until a scheme setting out details of the access, parking and manoeuvring arrangements has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details."*

5.5 In applying this condition the Inspector delegated the final access, parking and manoeuvring arrangements to officers. Members should therefore note that any refusal of this reserved matters application on the grounds of inappropriate

access arrangements could not be justified or substantiated in a subsequent appeal situation. Furthermore officers consider that to do so would be seen as acting unreasonably, which could leave the Council open to a cost claim.

- 5.6 The matters of drainage and foul disposal were similarly the subject of a condition i.e. condition 6, which reads as follows:-

*“No development shall take place until a scheme for foul and surface water drainage has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.”*

- 5.7 As with the access arrangements the drainage and foul disposal arrangements are delegated to officers and cannot be used as refusal of the reserved matters application.

- 5.8 To reiterate therefore, officers stress that **only the matters of design, external appearance and landscaping need be considered under this reserved matters application.**

- 5.9 In his decision letter (para.7) the Inspector noted the Council's view that subject to the dwellings being sympathetically designed at the reserved matters stage, they would not adversely affect the natural beauty of the landscape of the Cotswolds AONB and would respect the surroundings. Also, the landscaping could ensure the planting of trees on the boundaries to secure adequate screening of the development in views from the adjacent countryside. The Inspector accepted this view subject to the details of the reserved matters, and in particular subject to the design of the dwellings respecting the appearance of the existing cottages.

5.10 Design and Appearance

The size and positioning of the proposed dwellings is as approved by the Inspector at the outline stage. At 7.7m to the roof ridge the buildings are not considered to be excessive in height for this location. Being set well back (generally 36m) from the existing cottages, the new buildings would not have an over-dominating effect on the cottages. The proposed gabled, as opposed to hipped roofs, would be in-keeping with the locality.

- 5.11 It is proposed to construct the dwellings using natural stone rubble with stone quoins to match the existing cottages. The proposed new roofs would be clad with double roman tiles to match the roofs on the rear of the existing cottages, and the windows would be timber framed cottage-style casement windows with stone surrounds, lintels and sills, also to match the existing cottages. The conservatories would be timber framed and all rainwater goods would be black Upvc. The windows are considered to be an appropriate shape and size for the location and the solid to void ratio has a simple uncluttered appearance, similar to the adjacent cottages. The use of vertical boarded garage doors is considered appropriate. All materials to be used in the external facing and roofing of the dwellings would be controlled by condition. The scheme includes the provision of a screened oil storage tank and bin store to serve each dwelling. Whilst the design does exhibit some urban features e.g. the shallow pitched rear gable, officers have taken into consideration the fact that the site does not lie within a conservation area and that the location is characterised by a mix of styles and designs. Furthermore the land is classed as previously

developed and the site relates to an existing group of buildings. On balance therefore the design and appearance of the dwellings is therefore acceptable.

5.12 Landscape Issues

There are no significant trees or hedgerows on the building plot but there are natural stone walls on the northern and western boundaries and a mature Sycamore tree adjacent to the entrance to northern access track. The Council's Tree Officer is satisfied that the proposal would not adversely affect the existing Sycamore. The submitted landscape scheme has been revised to meet officer requirements.

5.13 Views of the site from the south and east are obscured by existing vegetation and buildings. The site is open to views from the open countryside to the west; however there are no public footpaths or inhabited buildings in this location. There will be open views of the site from the public footpath that crosses the adjacent field to the north.

5.14 The natural Cotswold stone walls on the northern and western boundaries of the site will be repaired and restored to a height of 1.4m and a new wall introduced to delineate the boundary between the two new dwellings. The southern boundary of the site has existing vegetation growing just outside it but this will be supplemented with additional planting within the site and the erection of a stained timber fence. The earth mound on the western boundary would be reduced in size but retained in part and planted to provide a garden feature. Further planting of small trees is proposed within the rear gardens.

5.15 In response to concerns raised about loss of privacy for the occupants of no.1, it is now proposed to plant up the eastern boundary with a hedge. It is also likely that a new water treatment plant will be introduced, which would be screened by further planting. In order to prevent traffic from entering the northern access and exiting the southern access and visa versa, a hedgerow will be introduced to delineate the parking and turning areas for no.3 from those of nos. 1 & 2.

5.16 The proposed tree and shrub planting is in keeping with the rural character of the area and would help to soften the outline of the dwellings from views to the north and west. The new driveway and turning areas would be surfaced with a limestone gravel to match the existing and this can be secured by condition. The proposed landscaping scheme is therefore acceptable.

5.17 Impact Upon Residential Amenity

In his decision letter at paragraph 12, the Inspector in allowing the appeal made reference to the concerns raised about likely adverse impact on residential amenity and concluded that:-

*"..taking into account the position of the existing garage to the east of the site, the significant distance between the proposed and existing cottages and the potential for boundary planting under the landscaping reserved matter, I consider the scheme would not unacceptably affect the outlook or privacy of the occupiers of the existing cottages. The number of vehicle movements that would normally be associated with the proposed dwellings which would pass by the side of no.1 would not, in my judgement, result in increased noise and disturbance for its occupiers that would be of a degree that would in itself be a reason for withholding permission. The scheme would not conflict with emerging plan policy H4 in these respects."*

5.18 The Inspector has clearly considered the proposal in relation to Policy H4 (now adopted) criterion B, which requires developments to not prejudice the amenities of nearby occupiers. Concerns have been raised by the occupier of no.1 about loss of privacy from first floor windows but these would be some 36m from the rear elevation of no.1, which comfortably satisfies the minimum 21m normally required between facing habitable room windows. It is noted that in considering the impact of traffic passing the side of no.1, the Inspector referred to “*dwellings*” and officers interpret this to mean the traffic from both of the new dwellings as proposed; the traffic to nos. 1 & 2 already pass the side of no.1.

5.19 A number of conditions have been requested by both the Parish Council and the occupants of no.1. The appropriate time to impose such conditions would have been at the outline stage. Officers consider that only conditions directly relating to the reserved matters can now be imposed and conditions relating to such matters of times of working on the site cannot be added retrospectively. Where possible however informatives would be added. Having regard to the Inspector’s comments, officers conclude that a refusal reason based on adverse impact on residential amenity could not reasonably be substantiated in this case.

#### 5.20 Other Issues

Of the other concerns raised, that have not been addressed above:-

- Disputes regarding land ownership are civil matters to be resolved by the respective parties.
- The plans have been amended to correctly show the proposed roof-lights.
- Any damage to the access track caused by developers would be a civil matter to be resolved between the respective parties.
- The impact of development on existing house values is not a material consideration in the determination of planning applications.
- Regarding future extensions; the Inspector did not remove permitted development rights but as the site lies within the Cotswolds AONB any future extensions would be restricted to only 10 cu.m. before planning permission would be required.
- Restricted covenants are civil matters. The applicant has indicated that the issue has been resolved with the Badminton Estate.

#### 5.21 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

#### 5.22 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the Reserved Matters submitted in accordance with Conditions 1, 2 & 3 associated with Outline Planning Permission granted under Appeal APP/P0119/A/05/1185816 dated 26<sup>th</sup> October 2005 be APPROVED.

### **Background Papers      PK07/0693/RM**

**Contact Officer:** Roger Hemming  
**Tel. No.**                    01454 863537

## **CONDITIONS**

1. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1, H4, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Prior to the commencement of the development hereby approved, samples of the proposed roofing tiles, stone quoins, window surrounds and lintels shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall proceed in full accordance with the details so approved.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1, H4, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposed parking and turning areas shall be surfaced in a cotswold limestone gravel or similar material only to match the existing South Cerney gravel driveway serving no.1 Petty France Cottages.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1, H4, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All hard and soft landscape works shall be carried out in accordance with the landscape details as shown on the Landscape Plan no. FRANCE 13B hereby approved . The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

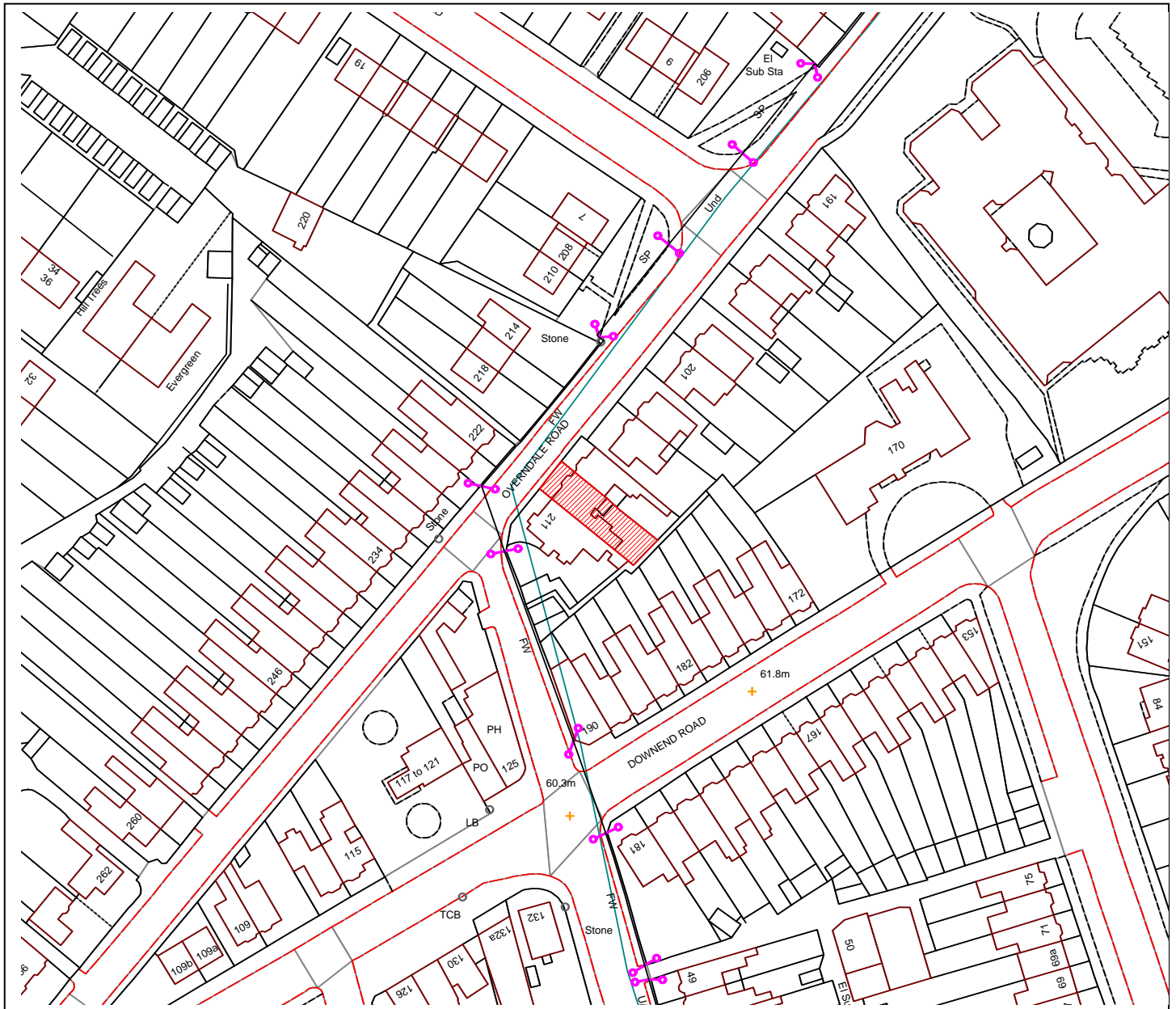
Reason:

To protect the character and appearance of the area to accord with Policies H4, D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 49/07 - 07 DECEMBER 2007**

**App No.:** PK07/1477/CLE  
**Site:** 209 Overndale Road Downend  
 BRISTOL South Gloucestershire BS16  
 2RQ  
**Proposal:** Application for Certificate of Lawfulness  
 for an existing use of dwelling as 2no.  
 self contained flats.  
**Map Ref:** 64236 76366

**Applicant:** Mrs V Vicary  
**Date Reg:** 11th May 2007  
**Parish:** Downend and  
 Bromley Heath  
**Ward:** Downend



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**N.T.S**

**PK07/1477/CLE**



This application is for a Certificate of Lawful Use and under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use is that the applicant has to prove on the balance of probability that the dwelling has been used as 2no. self-contained flats, for a period of 4 years consecutively, prior to the receipt of the application.

## **1. THE PROPOSAL**

- 1.1 The application has been submitted under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the site.
- 1.2 The application relates to no.209 Overndale Road, Downend. The property is a two-storey mid-terrace dwelling house, probably early 20thC in age.
- 1.3 The applicant considers that the dwelling was converted to two self-contained flats in 1994.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 4 years prior to the receipt of the application (19<sup>th</sup> April 2007).

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None
- 3.2 Enforcement History  
  
Z827 - Planning Contravention Notice Served 22<sup>nd</sup> Nov 1994 - Conversion of Dwelling House into Self-Contained Flats.  
No Enforcement Action taken.

## **4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

The applicant has submitted the following evidence in support of the application :

- One red edged site location plan.
- A Solicitors letter dated 29<sup>th</sup> March 2007 confirming that their client has stated to the Solicitor that the property was converted into flats prior to their purchase in 1999.
- A letter from Telewest Broadband dated 22<sup>nd</sup> January 2007 addressed to the Ground Floor Flat, 209 Overndale Road.

**5. SUMMARY OF CONTRARY EVIDENCE**

5.1 None

**6. REPRESENTATIONS RECEIVED**

6.1 Downend and Bromley Heath Parish Council  
No objection.

6.2 Local Residents  
No responses received.

**7. EVALUATION**

7.1 The application seeks to prove that on the balance of probability the dwelling has been occupied as two self contained flats, for a period of 4 years consecutive to the receipt of the application. The application has been supported by very little evidence at all. In cases such as this, the Council would have expected the application to be supported by signed affidavits or letters from existing and previous owners of the property or from people who previously occupied or currently occupy the property, or at the very least utility bills or rent books to demonstrate that the house has been occupied as two self-contained flats.

7.2 Despite officer requests to submit such evidence, none has been forthcoming. Instead, the applicant seeks to rely almost entirely on the fact that a Planning Contravention Notice was served in 1994 on the then owner, relating to the possible unauthorised use of the house as two flats and the fact that no enforcement action was subsequently taken. Council records confirm that such a PCN (ref. Z827) was served and that no further action was taken. There is no record of any planning application subsequently being submitted that relates to the property 209 Overndale Road. If anything, this would suggest that no breach of planning control had taken place and the house was not in fact being occupied as two flats at that time.

7.3 Notwithstanding the outcome of the above, the event took place in 1994 which is some 9 no. years prior to the 4 year period relevant to this application.

7.4 The only other pieces of submitted evidence are :-

a) The letter from Farrells Solicitors dated 29<sup>th</sup> March 2007. The letter merely says that a client has stated that the property was converted to flats prior to their purchase in 1999. The client referred to appears to be the previous owner. The letter does not state when before 1999 the house was converted to flats and none of the evidence submitted confirms that even if the house was converted some time in the past that it has continuously been occupied as two flats for the 4 year period prior to 19<sup>th</sup> April 2007.

b) The letter from Telewest suggests that the property had a Ground Floor Flat in January 2007 but that still leaves a considerable period of time before this date unaccounted for.

7.5 Given this lack of evidence, Officers are of the firm view that a Certificate of Existing Lawful Use cannot in this case be issued.

## **8. RECOMMENDATION**

8.1 That a Certificate of Existing Lawful Use be REFUSED for the following reason:

**Background Papers**      **PK07/1477/CLE**

**Contact Officer:**    **Roger Hemming**

**Tel. No.**                **01454 863537**

### **REFUSAL REASONS**

1. There is insufficient evidence to demonstrate that, on the balance of probability, the property has been occupied as two self-contained flats for 4 years consecutively prior to the receipt of the application on 19th April 2007.

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

<b>App No.:</b> PK07/1631/F	<b>Applicant:</b> Mr G Tanner
<b>Site:</b> 9 Broad Lane Yate BRISTOL South Gloucestershire BS37 7LD	<b>Date Reg:</b> 24th May 2007
<b>Proposal:</b> Erection of 14 no. dwellings with associated works.	<b>Parish:</b> Iron Acton Parish Council
<b>Map Ref:</b> 70058 83606	<b>Ward:</b> Ladden Brook



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**N.T.S**

**PK07/1631/F**

The application appears on the circulated schedule as the application is a major one, as falls to be considered under the current scheme of delegation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of 14 no. dwellings with associated works.
- 1.2 The site consists of a field adjacent to no. 9 Broad Lane, on the corner of Broad Lane and Engine Common Lane. The site is currently agricultural grassland with a row of conifers on the northern boundary and a native hedgerow on the three other sides. The sites within the rural settlement boundary of Engine Common, at the extreme south-east corner of this designation. The site lies outside of the Green Belt.
- 1.3 The proposal seeks permission for 14 two storey dwellings, 7 semi-detached, 7 detached, with a range of 3 and 4 bed dwellings. Two off-street parking spaces are proposed for each dwelling. Access is proposed from Broad Lane.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

### **2.2 Development Plans**

#### South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L5	Open Areas within Defined Settlements
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
EP4	Noise Sensitive Development
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within Defined Settlement Boundaries
H6	Affordable Housing
LC1	Provision of Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8	Open Space and Children's Play in Conjunction with New Residential Development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## 4. **CONSULTATION RESPONSES**

### 4.1 Iron Acton Parish Council

The Parish Council object to the application for the following reasons;

- Increased traffic movements on a dangerous junction and busy school route
- Development situated next to non-conforming users
- Considered to be piecemeal development of this area

### 4.2 Other Consultees

Wessex Water commented that there are no surface water sewers in the locality, and that the local system is served by a pumping station that is already operating at capacity. They do state, however, that the system south of Goose Green Lane has capacity to accommodate the foul flows, but the development would require the construction of a new sewer.

## **Other Representations**

### 4.3 Local Residents

The Showmen's Guild of Great Britain and 'Western' a company situated further down Broad Lane have objected to the scheme. The objections are as follows:

- No further development is allowed along Broad Lane until improvements have been made to the junction with North Road
- As a neighbour and having been operating as an industrial company in this location for several years, we would not like to receive complaints in the future from the residents relating to noise or traffic issues

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H2 allows for residential development within settlement boundaries subject to certain criteria, including whether the maximum density compatible with the site, its location and surroundings is achieved. This criterion further states that the expectation is that all developments will achieve a minimum density of 30 dwellings per hectare. This criterion has been somewhat superseded by PPS3 which states that new development should be well integrated with and complements the local area more generally in terms of scale, density, layout and access. However, the PPS3 does state the 30 dwellings per hectare net should be used as a national indicative minimum.

5.2 The proposed net density here is 28.5, which is below the minimum set out in Policy H2 and government policy set out in PPS3, and as such, the development fails the relevant policy test and is unacceptable in principle.

### 5.3 Visual Amenity and Landscape Character

The site is a previously undeveloped one, and is an open area within a settlement boundary. As such, the proposal falls to be considered under Policy L5.

5.4 It is considered that the site does contribute to the quality, character, amenity and distinctiveness of the locality by contributing to the setting of the village of Engine Common, as Engine Common is a distinctly linear settlement, and this

- field is at the extreme south-eastern edge of the village. However, it is acknowledged that this site is within the settlement boundary, and to a large extent, the linear character of Engine Common has been comprised by the scrap yard to the north of the site, and the area for the storage of caravans further up Engine Common Lane. As such, it is not considered that the site contributes to the local landscape character to such an extent as to warrant refusal on this basis.
- 5.5 The site lies at the southern end of several parcels of land also within the settlement boundary, consisting of paddocks, a scrapyard and a caravan storage area. These parcels of land lie behind properties on North Road. Planning permission was granted earlier this year for an access (which the applicant stated was to serve future residential development) at 204 North Road and an application for an access also to serve future residential development at 208 North Road also appears on this circulated schedule (PK07/3078/F) with a recommendation for approval. It is clear, therefore, that it is highly likely that these parcels of land will come forward for residential development in the future. For the purposes of good site planning, as required by Policy D1, it is considered that future development in Engine Common should be undertaken in a comprehensive manner and not in a piecemeal way. Furthermore, PPS3 states that development should be well integrated with and complement the local area, and should create or enhance a distinctive character that relates well to the surroundings. In this case, it is considered that the development of this parcel of land in isolation of other parcels that make up this part of Engine Common, within the settlement boundary, would represent a form of piecemeal development that would not complement, nor relate well to the existing village of Engine Common, and as such, the current proposal is contrary to Policy D1 and government policy set out in PPS3.
- 5.6 The Landscape Officer has commented on the detailed design that it is not clear why the southern native hedgerow has been removed, and that the species of the replacement proposed is not acceptable. The Landscape Officer has stated that there is no overriding landscape objection to the proposal, but there are more minor issues with the landscaping proposed, which, in the event of an approval, could be resolved by condition.
- 5.7 The design and layout of the dwellings themselves are considered appropriate for the location and pick up various design features of Engine Common.
- 5.8 Residential Amenity  
It is not considered that the scheme would result in harm to the residential amenity of any existing adjacent occupiers. However, the Environmental Health Officer has raised concerns regarding the effect of the noise from the scrap yard and noise from Broad Lane and Goose Green Way on any future residents of the site, and has requested an acoustic report be submitted to assess these impacts on the new development. Since the application is recommend for refusal for other reasons, no acoustic report has been requested, however, as it stands, the application fails to comply with Policy EP4, which states that noise sensitive development (such as housing) which would suffer an unacceptable degree of disturbance as a result of close proximity to existing noise and vibration sources will not permitted. As such, the proposal would result in harm to the residential amenity of the future occupiers of the site.

5.9 Ecology

The Council's Ecologist has stated that the site has the potential to support bird species included in the Biodiversity Action Plan, protected reptile species and notable invertebrates. No ecological assessment has been submitted with the application, and it is considered that the site layout does not take account of or retain any of the areas that will enhance the biodiversity of the local area. As such, it is considered that there is insufficient information with which to fully assess the impacts of the development on the ecology and biodiversity of the area and the proposal is therefore contrary to Policies L8 and L9.

5.10 Transportation

There are highway safety issues regarding Broad Lane and its junction with North Road. The visibility splay at this junction as you leave Broad Lane is wholly substandard. It is considered that any new development that increases traffic through this junction would add to the safety conflicts at this location.

5.11 Broad Lane is part of Safe Route to Schools and it also forms part of the cycle network within the South Gloucestershire area.

5.12 Compared to the extant use of the site, this proposal would substantially increase vehicular traffic on Broad Lane and more importantly at its junction with North Road. There would also be a greater impact of traffic in the peak hour at this location and the traffic impact would be a material increase.

5.13 In light of the above, the proposal is recommended for refusal for the following reason:-

The proposed development would give rise to an increase in traffic through a substandard junction. The development if implemented, would add to the highway hazards at a location where visibility is restricted all to the detriment of highway safety. This is contrary to policy T12 of the adopted Local Plan.

5.14 Affordable Housing

Policy H6 of the Local Plan states that the Council will seek an element of subsidised affordable housing to meet local needs on all new housing development- in rural areas the threshold will be 5 or more dwellings or 0.2 of a hectare in site area. A target of 33.3% of all dwellings to be affordable.

5.15 Paragraphs 8.155 to 8.157 define rural settlements within the plan area, and these include Engine Common. As such, since there are more than 5 dwellings on site and the site area is 0.49 hectares, 5 dwellings should be affordable housing. The scheme does not include any affordable housing, and as the scheme is unacceptable for other reasons, the issue has not been pursued with the applicant. However, the lack of suitable affordable housing means that the proposal is contrary to Policy H6 and is recommended for refusal on this basis.

5.16 Community Services

The Council's Community Services Department have stated that the proposals would create a need for extra public open space and that there is a local shortfall of public open space. As the application does not intend to comply with the Policy LC8 in terms of open space provision on site, to offset the increased



demand on existing public open space, Community Services would request a financial contribution towards enhancing existing public open space nearby.

5.17 Policy LC8 of the Local Plan requires a minimum of 24 sq m of public open space per person where there is evidence of a shortfall to meet the needs that will arise from the development. Policy LC8 also requires provision informal space and 5sq m of informal open space would be reasonable for this development. As such the contributions requested, which would be required to carry out enhancements within 2km of the development, which is likely to be YOSC and Brimsham Park, are as follows:

- Formal Open Space: £13976.91
- Equipped Children's Play Space: £2055.43
- Unequipped Children's Play Space: £3699.77
- Informal Open Space: £4110.86
- Contributions towards future enhancements: £21316.42
- Total: £45159.38

5.18 Since the application is unacceptable for other reasons, no contribution has been pursued, and as such, the proposal is contrary to Policy LC8 of the Local Plan and is recommended for refusal on this basis.

#### 5.19 Education Services

The Council's Department for Children and Young People have confirmed that there is projected surplus capacity at both primary and secondary schools within the area of the proposed development, and for this reason they do not currently request an education contribution.

#### 5.20 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That planning permission be REFUSED for the following reasons:

**Background Papers**      **PK07/1631/F**

**Contact Officer:**    **Sarah Tucker**  
**Tel. No.**                **01454 863780**

## **REFUSAL REASONS**

1. The proposed density of the proposal is below the minimum density required of 30 dwellings per hectare and as such is contrary to government policy set out in PPS3 and Policy H2 of the adopted South Gloucestershire Local Plan.
2. The development of this site, in isolation of other parcels of land that constitute this part of the Engine Common settlement boundary, as defined in the adopted Local Plan, represents a piecemeal form of development that would not complement, nor relate well to the existing village of Engine Common, and as such, the proposal would harm the visual amenity of the area and is therefore contrary to Policies H2 and D1 of the adopted South Gloucestershire Local Plan and government policy set out in PPS1 and PPS3.
3. Due to the relationship of the site to the scrap yard directly to the north, to Goose Green Way to the south, and the lack of any acoustic evidence submitted with the application, there is insufficient information with which to fully assess the effect of the noise from the scrap yard and traffic on Goose Green Way on the residential amenity of future residents of the site, and therefore the proposal is contrary to Policy EP4 of the adopted South Gloucestershire Local Plan.
4. The proposed development would give rise to an increase in traffic through the substandard junction of Broad Lane and North Road. The development would add to the highway hazards at a location where visibility is restricted all to the detriment of highway safety. As such, the proposal is contrary to Policy T12 of the adopted South Gloucestershire Local Plan.
5. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure an appropriate level of affordable housing, the proposal is contrary to Policy H6 of the adopted South Gloucestershire Local Plan.
6. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of formal open space within the development, the under-provision of equipped and unequipped children's play space within the development and informal open space within the development, the proposal would be contrary to Policy LC8 of the adopted South Gloucestershire Local Plan.
7. No ecological assessment has been submitted with the application and it is considered that the site layout does not take account of or retain any of the areas that would enhance the biodiversity of the local area. As such, it is considered that there is insufficient information with which to fully assess the impacts of the development on the ecology and biodiversity of the local area and the proposal is therefore contrary to Policies L8 and L9 of the adopted South Gloucestershire Local Plan.

# ITEM 4

## CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007

**App No.:** PK07/1938/F

**Applicant:** Elmsthorpe  
Dvelopments

**Site:** Cawthorne Signal Road Staple Hill  
BRISTOL South Gloucestershire BS16  
5PE

**Date Reg:** 26th June 2007

**Proposal:** Erection of 2 no. semi-detached  
dwellings and associated works.

**Parish:**

**Map Ref:** 65430 75698

**Ward:** Staple Hill



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**N.T.S**

**PK07/1938/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as a result of objections received from local residents regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 2 no. semi detached dwellings.
- 1.2 The application site relates to domestic curtilage located within the established residential area of Staple Hill.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### **2.2 Development Plans**

##### South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
T9	Parking Standards
H2	Residential Development within existing Urban Area and Defined Settlement Boundaries
H4	Development within existing residential curtilages
T12	Transportation

### **3. RELEVANT PLANNING HISTORY**

- 3.1 No planning history relates to the application site:

### **4. CONSULTATION RESPONSES**

#### **(a) Statutory Consultees**

##### **4.1 Town/Parish Council**

The application site does not come under a Town/Parish Council.

#### **(b) Other Representations**

##### **4.2 Local Residents**

4 letters have been received from local residents raising the following objections regarding the proposed development, which have been summarised as follow by the Planning Officer:

- Loss of privacy due to bedroom windows.
- Inadequate garden space
- Inadequate parking
- This application should be considered in conjunction with adjacent application
- Cramped development
- This will leave the existing bungalow without any garden area.
- Overshadowing and overbearing impact.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site is located within the established residential area of Staple Hill. Policy H2 allows for residential development within existing urban areas and Policy H4 also allows for residential development within existing residential domestic curtilages.

### 5.2 Design and Scale of Development

Objections have been raised by local residents on the grounds that the proposed dwellings will be cramped and out of keeping with nearby properties. Those properties sited along Signal Road comprise of post war two storey semi detached dwellings. This application proposes to site a pair of two storey semi detached dwellings adjacent no. 1 Signal Road.

5.3 The proposed dwellings are considered to reflect the character of those nearby properties by reason of their design and external appearance in term of scale i.e. footprint and height, use of matching materials and window detailing. The application proposes the provision of on site car parking to the front of the building as opposed to having a driveway down the side of the house which is a characteristic of neighbouring properties. It is considered that the proposed development would not result in a cramped development and would be in keeping with the character of the immediate street scene.

### 5.4 Residential Amenity

The proposed dwelling will be sited adjacent the western elevation of no. 1 Signal Road, which relates to a two storey semi detached dwelling and will be set back at a distance of 3.0m. There is an existing ground floor kitchen window on the side elevation of no.1 towards the rear of the building. The submitted plans have illustrated the relationship of the proposed dwellings in relation to that window and this shows that the building will be positioned forward of the kitchen window so as not to block it.

5.5 The rear building line of the proposed dwellings will be set back from the adjoining rear boundary of no. 21 Teewell Hill by approximately 5.0m at the nearest point. Objections have been raised from those occupiers on the grounds that the proposed first floor bedroom window on each unit will allow for overlooking onto gardens. The Council accepts that dwellings in this location would introduce an element of overlooking onto the adjacent garden of no.21. It is considered that given the existing pattern of development within this established residential area and current levels of overlooking onto adjacent gardens, the proposal would simply be reflecting the existing situation. It is also considered, as any overlooking would be limited to the bottom of no.21's garden that existing levels of privacy would not be so detrimentally prejudiced so as to warrant refusal of the application.

5.6 It is considered that satisfactory levels of private amenity space will be provided for the future occupiers of the development.

### 5.7 Transportation Issues

The original planning application had proposed 3 bed room units, however in the absence of satisfactory levels of on site car parking provision a highway objection was raised. Revised plans have now been submitted proposing 2 bedroom units, and no highway objection is raised.

5.8 Landscaping Issues

There are no landscaping constraints on the site.

5.9 Drainage Issues

The Council's Engineering Consultancy has advised that no objection is raised in principle to this proposed development and where appropriate the applicant should consider the use of soakaways or permeable surfaces for roofs, private drives and parking areas for ground water replenishment and surface water pollution control so as to ensure a satisfactory means of drainage.

5.10 Other issues

It has been suggested that this application should be assessed in conjunction with the application on the adjacent land. Members are advised to consider that planning permission has already been granted on that site.

5.11 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

5.12 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

**6. CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

7.1 Planning permission be approved subject to the following conditions.

**Background Papers**

**Contact Officer**

**Tel. No.**

**PK071938/F**

**Tracey Price**

**01454 863424**

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all proposed boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the dwellings.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the provisions of Article 3 and Parts 1 the Second Schedule to the revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E) shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

In light of the restricted space for further development and to protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The off-street parking facilities for all vehicles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T8 & T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 49/07 - 07 DECEMBER 2007

**App No.:** PK07/2895/F

**Applicant:** Silverwood  
Construction Ltd  
**Date Reg:** 24th September  
2007

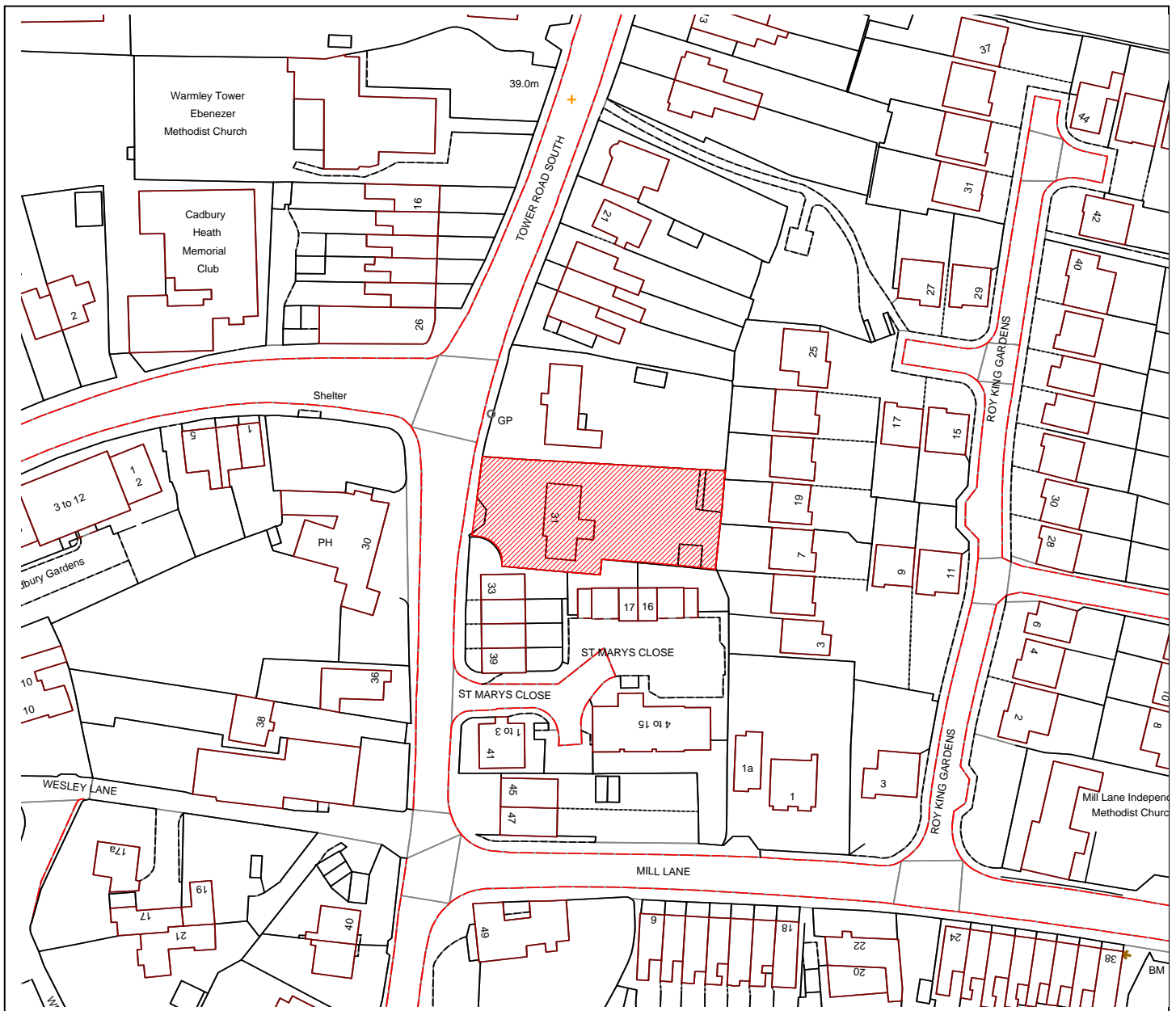
**Site:** 31 Tower Road South Warmley  
BRISTOL South Gloucestershire BS30  
8BL

**Proposal:** Demolition of existing dwelling and  
erection of 10no. self contained flats with  
access and associated works.

**Parish:** Oldland Parish  
Council

**Map Ref:** 66935 72536

**Ward:** Parkwall



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**N.T.S**

**PK07/2895/F**



## **INTRODUCTION**

This application has been referred to the Council's Circulated Schedule procedure as this is a major planning application and this is in line with the Council's Procedure.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks full planning permission for the demolition of an existing dwelling and the erection of 10no. self contained flats with access and associated works.
- 1.2 The application site relates to 0.1 hectares of land, which is occupied by 1 detached dwelling. The site is located within the established residential area of Warmley and is bound by residential properties to the both sides and the rear of the application site.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### 2.2 Joint Replacement Structure Plan

2	Location of development
34	Reuse of previously developed land
35	Range of housing types
59	Transport issues – new development

#### 2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	landscape Protection and Enhancement
H1(A)	Proposed Sites for New Residential Development
H2	Residential Development
H6	Affordable Housing
T6	Cycle Parking Provision
T7	Parking Standards
T12	Development Control Transportation Policy
LC2	Provision of Education facilities
LC8	Open Space

#### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD Adopted August 2007.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 Previous planning applications on this site relate to householder applications i.e. extensions, garage extension and vehicular access.

### **4. CONSULTATION RESPONSES**

#### **(a) Statutory Consultees**

- 4.1 Oldland Parish Council  
No objection.

## **(b) Other Representations**

### 4.2 Local Residents

2 letters have been received from local residents raising the following planning objections regarding the proposed development which have been summarised as follows:

- Loss of privacy
- Overbearing Impact
- Noise and disturbance
- Proposed 3 storey flat would be overbearing
- Concerns regarding existing access, lack of site car parking
- Lack of amenity space
- Impact of driveway on neighbours

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H2 and H4 of the South Gloucestershire Local Plan allows for residential development within the existing urban area. Therefore the principle of residential development is considered acceptable subject to the following being satisfied:

### 5.2 Design/Scale and Layout of Development

The application site and surrounding is characterised as follows. The application site relates to a relatively large two storey detached dwelling set back from the road at a lower level. A relatively new development has taken place adjacent the application site which comprises of town houses and a block of flats along the front of the site and flats within the site. The surrounding area is characterised by two storey Victorian dwellings and simple two storey terraces.

5.3 It is considered that the proposed development particularly the proposed 3 storey flats sited along the front of the site by reason of its footprint and height exceeds those of the surrounding buildings and in turn fails to respects or enhance the character and distinctiveness of the surrounding area. It also considered that the proposed appearance of the development in terms of building form, materials, windows and door proportions also fails to draw on the distinctive character of the locality. The proposed bin storage area by reason of its sitng along the front of the site would have an adverse impact on the visual amenities of the street scene.

5.4 It is considered that the proposed scheme by reason of its design is unable to accommodate such a high density i.e. 100 dwellings per hectare whilst achieving the high quality standards as required. It is therefore considered that the scheme would result in overdevelopment of the site and would adversely impact upon the visual amenities of the area.

### 5.5 Residential Amenity of Existing Occupiers

The application site is bound by residential properties to both sides and the rear of the application site. It is considered that the proposed development by reason of its layout in terms of the proposed parking area sited along the eastern boundary of the application, which also forms the adjoining boundary with the rear private garden areas of no. 7 & 19 Roy Kings Gardens would have an unacceptable impact on existing levels of residential amenity. The parking

- area in this area would generate unacceptable levels of noise and disturbance compared with the existing situation. It is also considered that the proposed vehicular driveway running along the southern boundary of the application which also forms the adjoining boundary with the rear private gardens of no. 17 & 16 St.Marys Close would also introduce unacceptable level of noise and disturbance.
- 5.6 It is considered that the proposed block of flats in particular Block A by reason of its siting and scale in terms of width and height in relation to the neighbouring occupiers of no. 33 St.Marys Close and 29 Tower Road South, if allowed would have a much greater impact than the existing situation in terms of overbearing impact particularly on the rear private garden area of no. 33 and on their outlook.
- 5.7 Residential Amenity of Future Occupiers  
The proposed development by reason of its layout has failed to provide satisfactory on site communal amenity space in terms of layout and amount. Satisfactory levels of amenity space need to be provided as this scheme proposes 2 bedroom units.
- 5.8 The proposed development by reason of its layout in terms of the relationship of both blocks of flats with one another would have an unacceptable impact on the future occupiers of the development. Block A at the nearest point would be set back from the side elevation of Block B at a distance of 5.50m metres. It is considered that this would result in an unacceptable outlook for those occupiers of Block A especially as all the windows on the rear elevation relate to habitable rooms.
- 5.9 Transportation Issues  
There are safety issues about the proposed site access with the public highway at its junction with Tower Road South. Given the proposed development density on the site, there are also concerns about the internal access road which is considered substandard for two-way traffic. The pedestrian route through the site access is not defined and it is the Officer's view that safety particularly through the proposed undercroft arrangement (when pedestrians / cyclists are accessing the building to the rear) is questionable. The proposed parking and turning area to the rear of the site is considered to be cramped and easy access and egress to and from some of those parking spaces is not practical.
- 5.10 Landscaping Issues  
It is considered that there are no landscaping constraints on this site that would prevent this site from being developed.
- 5.11 Drainage Issues  
The Council's Drainage Engineer has advised that in principle no objection is raised with regards the drainage aspects of the proposed development, and has advised that where appropriate the Council will require the use of soakaways for roofs or permeable surfaces for private drives and parking areas to satisfy ground water replenishment and surface water pollution in compliance with Sustainable Drainage System requirements. Had planning permission be granted a drainage condition would have been imposed requiring the submission of full drainage details.

## 5.12 Financial Contributions.

### Education

Education have confirmed that as there is a projected surplus capacity at both primary and secondary schools with the area, there is no requirement for an education contribution.

### Community Services

As the proposed level of development falls outside the Community services Criteria for Section 106 requirements, no contributions are therefore required.

### Affordable Housing

As the proposed level of development falls under the threshold for Affordable housing no provision is therefore required.

## 5.13 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 Planning permission be refused for the following reasons.

**Background Papers      PK07/2895/F**

**Contact Officer:    Tracey Price**  
**Tel. No.                01454 863424**

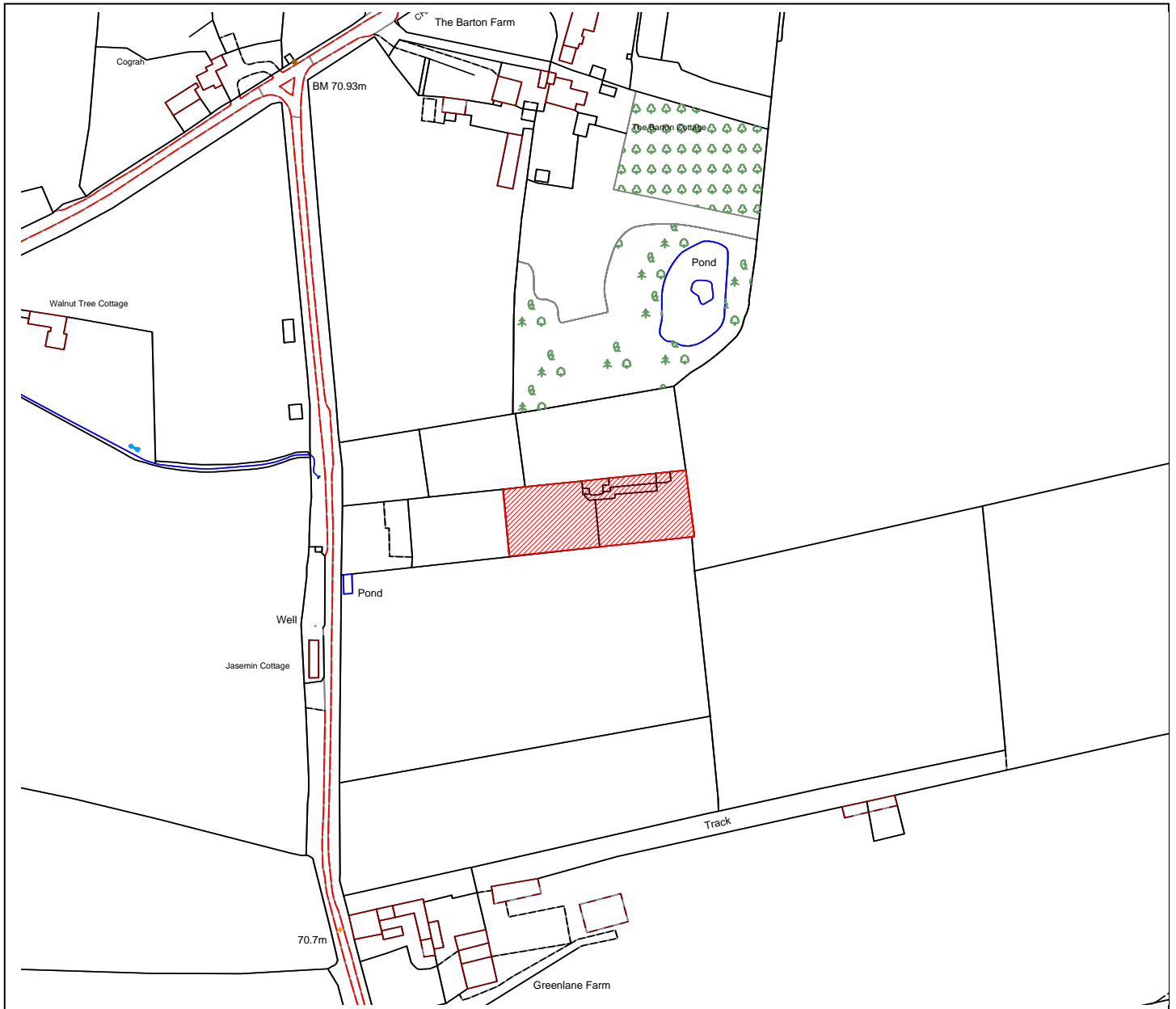
### **REFUSAL REASONS**

1. The proposal would lead to use of a substandard access by reason of inadequate visibility onto a public highway Tower Road South and hence it would be detrimental to highway safety. Furthermore, given the development density on site, the proposal would lead to increased turning movements to and from the site access in proximity to a pedestrian crossing point and thereby it would be detrimental to road safety. The proposal is therefore contrary to Policies D1, H2 and T12 of the South Gloucestershire Local Plan.

2. The proposed site access (in the context of development density) is substandard by reasons insufficient width to accommodate two-way traffic, unsatisfactory pedestrian facilities and hence it would be detrimental to road safety. Furthermore, by reason of no suitable provision for service vehicles on the site, the proposal would lead to further vehicles standing and manoeuvring onto the public highway in proximity to a pedestrian crossing facility thereby interfere with safe and free movements of traffic all to detriment of road safety. The proposal is therefore contrary to Policies D1, H2 and T12 of the South Gloucestershire Local Plan.
3. The proposed residential development in particular Block A by reason of its scale and mass in terms of footprint and height and external appearance in terms of form, materials, window and door proportions fails to respect or enhance the character of the street scene and the visual amenities of the locality. In addition the proposed bin store by reason of its siting along the frontage of the site would have an adverse impact on the street scene. The proposal is therefore considered contrary to the provisions of PPS1 and PPS3 and Policies D1 and H2 of the South Gloucestershire Local Plan and the South Gloucestershire Design Checklist.
4. The proposed development by reason of its layout in terms of the proposed car parking area and vehicular driveway if allowed would result in the introduction of unacceptable levels of noise and disturbance which would be to the detriment of residential amenity of surrounding residents and would be contrary to the provisions of PPS1 and Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
5. The proposed development by reason of its layout fails to provide satisfactory level of useable on site communal amenity space which would be to the detriment of the residential amenity of the future occupants. The proposal is therefore considered contrary to the provisions of PPS1 and PPS3 and Policies D1 and H2 of the South Gloucestershire Local plan and the South Gloucestershire Design Checklist.
6. The proposed development by reason of its siting and scale with regards Block B would have an overbearing impact on the future occupiers of Block A, and Block A by reason of its siting and scale would have an overbearing on the adjacent neighbouring properties and garden which would be to the detriment of residential amenity. The proposal is therefore considered contrary an contrary to the provisions of PPS1 and PPS3 and Policies D1 and H2 of the South Gloucestershire Local Plan and the South Gloucestershire Design Checklist.

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

<b>App No.:</b> PK07/2931/CLE	<b>Applicant:</b> Mr L W Janes
<b>Site:</b> Little Acre Dyers Lane Iron Acton BRISTOL South Gloucestershire BS37 9XT	<b>Date Reg:</b> 27th September 2007
<b>Proposal:</b> Application for Certificate of Lawfulness for an existing use of buildings and land for the breeding and rearing of horses.	<b>Parish:</b> Iron Acton Parish Council
<b>Map Ref:</b> 69264 84653	<b>Ward:</b> Ladden Brook



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**N.T.S**

**PK07/2931/CLE**

## **INTRODUCTION**

This application is circulated on the Circulated Schedule in line with the scheme of delegation for the determination of Certificates of lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application for a certificate of lawfulness proposes that an area of land has been used for the breeding, keeping, rearing and schooling of ponies on a piece of land at Dyers Lane, Iron Acton. The area of land subject of this application is outlined in red on the site location plan accompanying the application plan No. LDC.1146.02. The application states that this is an existing use, which has occurred for the duration of a period in excess of ten years before the date of the application. The application also proposes that the buildings subject of this application and shown on plan LDC.1146.02 have been in existence for a period in excess of four years.
- 1.2 The evidence that has been submitted by the applicant in support of the application consists of a Statutory Declaration, along with three letters from local/interested parties with knowledge of the site, one certificate of pedigree and six extracts from various Reading Shows.
- 1.3 There is another application for a certificate of lawfulness on the site, which seeks to prove that part of the site has been used for the stationing of a residential caravan and use of land as garden. This however is discussed in a separate application (PK07/2927/CLE) and is not for discussion as part of this planning application.
- 1.4 There have been previous attempts to prove the use of the land. In 2006, two almost identical applications for certificates of lawfulness were submitted to the council - reference PK06/2388/CLE for the residential caravan and PK06/2387/F for the keeping of Horses. Prior to this, there was a combined certificate application reference PK06/0878/CLE. The statutory declaration submitted in support of this application is identical to the statutory declaration submitted in support of the previous application PK06/2387/CLE. This previous application was written up with a recommendation for refusal but was withdrawn by the agent before the refusal notice could be issued.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24
- 2.2 Circular 10/97: Enforcing Planning Control

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK07/2927/CLE Application for Certificate of Lawfulness for an existing use of land for the stationing of a residential caravan and associated use of land as a garden.  
Current application to be determined in conjunction with this application.
- 3.2 PK06/2388/CLE Application for Certificate of Lawfulness for existing use of site for stationing of residential caravan and use of land as a garden.

Officer Recommendation for Refusal but was withdrawn before decision notice could be issued – December 2006.

3.3 PK06/2387/CLE Application for Certificate of Lawfulness for the existing use of buildings and land for the breeding and rearing of horses.  
Officer Recommendation for Refusal but was withdrawn before decision notice could be issued – December 2006.

3.4 PK06/0878/CLE Application for Certificate of Lawfulness for existing use of land for the stationing of a mobile home for residential purposes including gardening and the keeping of ponies and livestock.  
Withdrawn May 2006

#### **4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

4.1 The supporting evidence submitted with the application takes the form of a Statutory declaration signed by the applicant – Leslie William Janes.

Three letters have also been submitted in support of the application;

- One letter from Mark G. Astbury who is the veterinary surgeon used by Mr. And Mrs. Janes. Mr. Astbury states he has, since 1994, regularly attended their property at Little Acre to deal with any health issues associated with Mr. And Mrs. Janes' ponies. Mr. Astbury states *'that on average I (Mr. Astbury) would have attended the site on twelve occasions in any one year and, as a result of those visits, I have no doubt from the condition of the land and buildings that Mr. And Mrs. Janes have kept ponies on the land for a period of well over ten years. The ponies bred and reared by Mr. And Mrs. Janes were of a very specialist breed, being Miniature Shetland Ponies, which have been trained for theatre and pantomime uses as well as being sold as pets.'*
- One letter from Miss. Vanessa Gregory who has visited Mr. and Mrs. Janes at the site on many occasions and has seen their residential caravan. She states that since 1993 *'I (Miss Gregory) have been lucky enough to have been invited to 'Little Acre' every week to visit and help with the animals. Due to my (Miss Gregories) love of animals Mr. And Mrs. Janes have been kind enough to let me (Miss Gregory) help with the ponies and have enjoyed cleaning the buildings out and feeding the animals whenever I visited and they needed my help.'*
- One letter from Sandra Sparkes who confirms she purchased a colt from Mr. Janes on 27<sup>th</sup> January 2005 and will confirm he has been trading from this site (Littleacre, Dyers Lane, Iron Acton) at least as far back as this date. Sandra Sparkes also sent a transfer certificate to prove the purchase although the address of Mrs. Janes is given as 1 Longford, Yate and not Littleacre.
- Five photocopies of extracts from the Reading Show and Sale of Shetland Ponies dated 1991, 1992, 1993, 1994, 1995 and 1997 respectively.

None of the three letters mentioned above have been signed before a solicitor or commissioner of oaths.

#### **5. SUMMARY OF CONTRADICTIONARY EVIDENCE**

5.1 None received other than the comments of the Parish Council.



## 6. CONSULTATION RESPONSES

### 6.1 Iron Acton Parish Council

The Parish Council comments that they do not believe that the land has been used for this purpose for the previous 10 years. The Parish Council refer to paragraph 9.1 of the previous officers report on application PK06/2387/CLE.

### Other Representations

### 6.2 Local Residents

None Received

## 7. EVALUATION

7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force. The certificate must also prove that the buildings on the site have been in place for a continuous period of not less than four years.

### 7.2 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues that are involved in determining an application. Any contradictory evidence which makes the applicant’s version of events less than probable should be taken into account.

7.3 The statutory declaration states that ‘during 1990, I (Mr. Janes) erected a range of livestock shelters and single storey buildings in the locations shown by blue colour on plan No: LWJ.1. Immediately following the completion of the livestock and storage buildings I (Mr. Janes) commenced the use of the land and the buildings for the breeding, keeping, rearing and schooling of ponies.’ This is the only information in the statutory declaration relating to the change of use of the land from agricultural to land for the keeping of horses. No information or evidence is contained within the sworn statement been submitted to identify that horses have been kept on the land for a continuous period in excess of ten years.

7.4 The only evidence submitted that may support the claim that the site has been used continually for the keeping of horses are the two letters received from Mr. Mark Astbury the vet and Miss. Vanessa Gregory a friend of the applicant. Neither of these letters however have been sworn in front of a solicitor of a

commissioner for oaths. Nonetheless, the contents of the letters must be taken into consideration.

- 7.5 Mr. Astbury confirms he has visited Little Acre since 1994 to attend to the ponies kept by Mr. And Mrs. Janes. On average, Mr. Astbury says he visits the site approximately 12 times in any one year. As a result of those regular visits, Mr. Astbury has no doubt that the land and buildings have been used for the keeping of ponies. Given Mr. Astburys professional qualifications as a veterinary surgeon, there is no reason to doubt his personal assessment of the buildings and land for the keeping of horses. This letter has consequently been given some weight.
- 7.6 The second letter from a friend of the Janes' Miss Gregory must also be taken into consideration although again this letter has not been signed before a solicitor or commissioner of oaths. The letter from Miss Gregory states that she has visited the site at Little Acre every week since 1993. During her visits she has helped with the cleaning the buildings out and feeding the ponies. This is evidence that the ponies are stabled in the buildings for them to need cleaning out and also that food is bough onto the site to feed to the horses. Whilst this letter has not been sworn under oath, Miss Gregory states she would be willing to do so and thus this letter has also been given some weight.
- 7.7 Following on from the above, the applicant then seeks to prove that the buildings within the application site and shown on plan LDC.1146.02 have been in existence for a period in excess of four years and that the buildings have been used for the breeding, keeping and rearing of horses. From the sworn statement and photographs held at the Council, and in the absence of any evidence to the contrary, there is no reason to believe that the buildings subject of the application have not been in existence for a period in excess of four years. It is concluded on the balance of probability that the buildings within the red outline shown on plan LDC.1146.02 have been in existence for a period in excess of four years.
- 7.8 No weight has been given to the extracts from the Reading shows as these do not in any way prove the horses have been bred or kept on the site. Similarly, the letter and certificate of transfer submitted by Sandra Sparkes have also been given no weight as the address on the certificate of transfer does not relate to Little Acre.
- 7.9 On the balance of probability, and in the absence of any evidence to the contrary, it is considered that horses have been kept and bred on the site marked Red on plan LDC.1146.02 and in the buildings shown on plan LDC.1146.02 for a period in excess of ten years. Whilst the letters from Mr. Asbury and Miss. Gregory have not been signed under oath, there is no evidence to make these letters less than probable.

## **8. CONCLUSION**

- 8.1 Officers conclude, that on the balance of probability and in the absence of any supporting information to the contrary, the activities seeking lawful use consent have taken place for at least the last ten years.

**9. RECOMMENDATION**

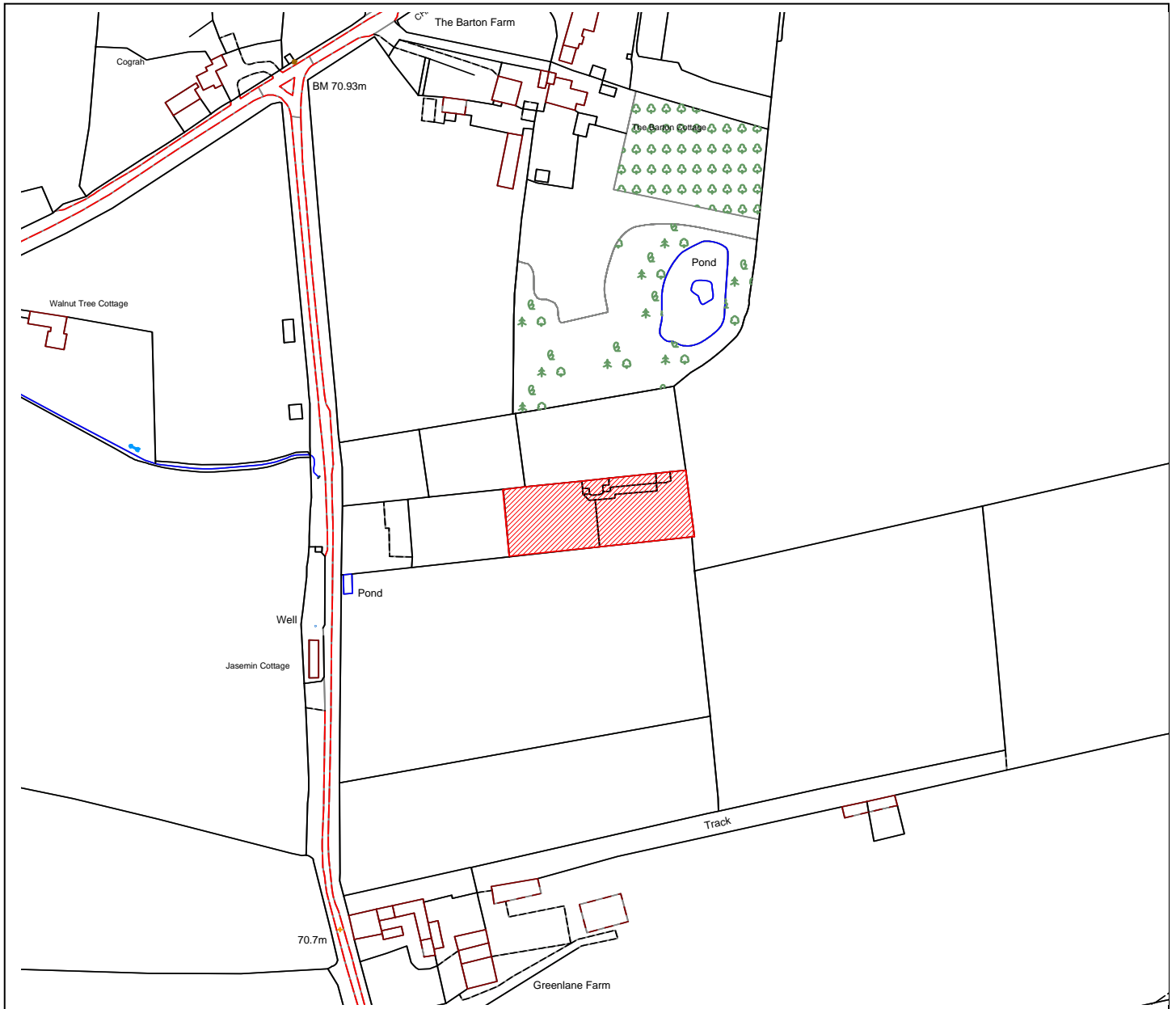
9.1 A certificate of existing Lawful development be approved;

**Background Papers      PK07/2931/CLE**

**Contact Officer: Marie Bath**  
**Tel. No.            01454 864769**

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

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**PK07/2931/CLE**

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The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues that are involved in determining an application. Any contradictory evidence which makes the applicant’s version of events less than probable should be taken into account.

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7.4 The only evidence submitted that may support the claim that the site has been used continually for the keeping of horses are the two letters received from Mr. Mark Astbury the vet and Miss. Vanessa Gregory a friend of the applicant. Neither of these letters however have been sworn in front of a solicitor or a commissioner for oaths. Nonetheless, the contents of the letters must be taken into consideration.

- 7.5 Mr. Astbury confirms he has visited Little Acre since 1994 to attend to the ponies kept by Mr. And Mrs. Janes. On average, Mr. Astbury says he visits the site approximately 12 times in any one year. As a result of those regular visits, Mr. Astbury has no doubt that the land and buildings have been used for the keeping of ponies. Given Mr. Astburys professional qualifications as a veterinary surgeon, there is no reason to doubt his personal assessment of the buildings and land for the keeping of horses. This letter has consequently been given some weight.
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- 7.7 Following on from the above, the applicant then seeks to prove that the buildings within the application site and shown on plan LDC.1146.02 have been in existence for a period in excess of four years and that the buildings have been used for the breeding, keeping and rearing of horses. From the sworn statement and photographs held at the Council, and in the absence of any evidence to the contrary, there is no reason to believe that the buildings subject of the application have not been in existence for a period in excess of four years. It is concluded on the balance of probability that the buildings within the red outline shown on plan LDC.1146.02 have been in existence for a period in excess of four years.
- 7.8 No weight has been given to the extracts from the Reading shows as these do not in any way prove the horses have been bred or kept on the site. Similarly, the letter and certificate of transfer submitted by Sandra Sparkes have also been given no weight as the address on the certificate of transfer does not relate to Little Acre.
- 7.9 On the balance of probability, and in the absence of any evidence to the contrary, it is considered that horses have been kept and bred on the site marked Red on plan LDC.1146.02 and in the buildings shown on plan LDC.1146.02 for a period in excess of ten years. Whilst the letters from Mr. Asbury and Miss. Gregory have not been signed under oath, there is no evidence to make these letters less than probable.

## **8. CONCLUSION**

- 8.1 Officers conclude, that on the balance of probability and in the absence of any supporting information to the contrary, the activities seeking lawful use consent have taken place for at least the last ten years.

## **9. RECOMMENDATION**

- 9.1 A certificate of existing Lawful development be approved;



**Background Papers**      **PK07/2931/CLE**

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

**App No.:** PK07/3027/RM

**Applicant:** Sovereign Housing Association

**Site:** Former Woodstock School Site Courtney Road Kingswood BRISTOL South Gloucestershire BS15 9RL

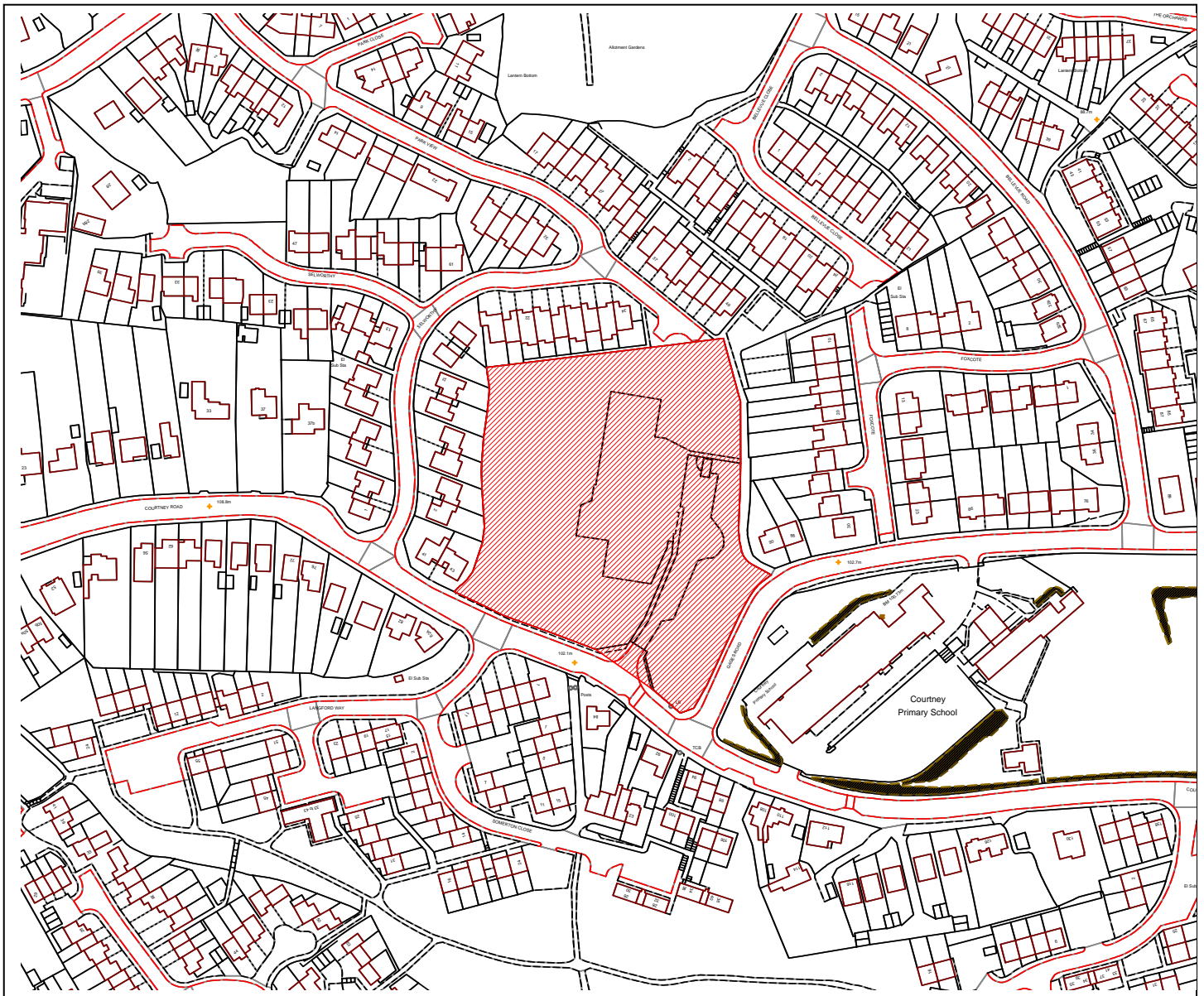
**Date Reg:** 11th October 2007

**Proposal:** Erection of 65no. residential units with layout, external appearance, scale, landscaping and associated works. (Approval of Reserved Matters to be read in conjunction with Outline planning permission PK04/0587/R30). (Resubmission of PK06/1868/RM).

**Parish:**

**Map Ref:** 65424 73281

**Ward:** Woodstock



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100023410, 2007.

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## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule procedure as this is in line with the Council's procedure given this is a major planning application.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks reserved matters approval for the erection of 65 units with siting, external appearance, landscaping and associated works. Means of access was approved under outline planning permission PK04/0587/R30.
- 1.2 Members attention is drawn to the fact that a Full Planning application PK07/3006/F relating to this site also appears on this schedule. Both current applications are practically identical with the exception of the level of affordable housing being provided. This Reserved Matters application proposes 65% affordable housing as opposed to the Full Planning Application which proposes 33% affordable housing. It should also be noted that both applications are practically identical to an application that was refused on this site less than a year ago. Details of that application are discussed in more detail below.
- 1.3 The application site relates to a brownfield site occupying the former Woodstock School situated within the built up residential area of Kingswood.

#### **1(b) Background Information relating to Application Site**

Members may recall that a Reserved Matters Application (PK06/1868/RM) relating to this site was presented to the Development Control East meeting on the 21<sup>st</sup> December 2006 with a recommendation for Reserved Matters Approval. That application was subsequently overturned by Members and was refused for the following reasons:

1. *The proposed development and accompanying Design and Access Statement fail to satisfactorily incorporate the approved Concept Statement in the design and layout of the proposal. The proposal is therefore considered contrary to the provisions of PPS1 and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.*
2. *By reason of the siting and layout of plots 1-6 (inclusive) which back onto Courtney Road, the proposed siting and layout of the proposal is considered poor. Moreover the proposed siting and layout is not informed by and does not enhance the character, distinctiveness and amenity of the site and the area. The proposal is therefore considered contrary to the provisions of PPS1, PPG3, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.*
3. *The level of on site public open space as required by the Section 106 Agreement associated with the Outline Consent PK04/0587/R30 has been achieved by including a number of smaller areas, some of which by reason of their layout and size fail to provide useable areas for the future occupiers of the development. This would be to the detriment of the residential amenity of the future occupants. The proposal is therefore considered contrary to the provisions of PPS1, PPG3, PPS3 and Policy*

*D1, LC8 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006*

4. *The proposed development by reason of its layout and proposed house types would have an overbearing impact on the future occupiers of plots 6,9 and 24, which would be to the detriment of their residential amenity and contrary to the provisions of PPS1, PPG3, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.*

**1(c) Information Submitted is Support of Application.**

-Sovereign Housing Group has over the past six months re-appraised the development strategy, and given the previous refusal is now submitting two separate submissions:

-A resubmission of the reserved matters refusal scheme, which will address the previous reasons for refusal and enables the continued delivery of 65% affordable housing and allow full re-assessment of the scheme in relation to the Concept Statement.

-Sovereign is an active partner of South Gloucestershire Housing partnership whose key property is to deliver successful affordable housing development within the Local Authority area. Sovereign's key objective is to secure planning approval for the site to enable the scheme to be developed and much needed housing to be provided. It is hoped that this approval can be delivered through the reserved matters application therefore providing an increased number of affordable homes.

**2. POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Joint Replacement Structure Plan

2	Location of development
34	Reuse of previously developed land
35	Range of housing types
59	Transport issues – new development

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	landscape Protection and Enhancement
H1(A)	Proposed Sites for New Residential Development
H2	Residential Development
H6	Affordable Housing
T6	Cycle Parking Provision
T7	Parking Standards
T12	Development Control Transportation Policy
LC2	Provision of Education facilities
LC8	Open Space

## 2.4 Supplementary Planning Guidance

- A Concept Statement for Former Woodstock School has been approved by the then Executive Member as an appropriate starting point for the design process.
- The South Gloucestershire Design Checklist SPD August 2007

## 3. RELEVANT PLANNING HISTORY

3.1 The following planning history relates to the application site:

- 3.2 PK03/0090/O Demolition of existing school building and redevelopment for residential use with new access on 1.26 hectares of land (outline)  
Withdrawn to allow the concept plan process and consultation with local residents to be undertaken.
- 3.3 PK04/0587/R30 Erection of residential development with means of access to be determined (outline) all other matters reserved  
Approved June 2006 with the following Section 106 Agreements:
- (i) A contribution of £1,000 per dwellings towards traffic management measures and public transport facilities in the area.
  - (ii) A contribution of £93,267.32 towards maintenance of on site public open space and the provision of offsite enhancements and subsequent maintenance
  - (iii) A contribution of £2000 towards dog bin provision.
  - (iv) A contribution of £2,320 towards the improvements of Library facilities at Kingswood Library.
  - (v) The provision of 30% affordable housing
  - (vi) A contribution of £10,000 towards the provision of Public Art
- 3.4 PK06/1868/RM Erection of 65 units with siting, external appearance, Landscaping and associated works (Approval of Reserved matters to be read in conjunction with outline planning permission PK04/R30)  
Refused December 2006. Refusal reasons discussed above.

## 4. CONSULTATION RESPONSES

### (a) Statutory Consultees

#### 4.1 Parish/Town Council

The application site does not fall within a Parish/Town Council

#### 4.2 Environment Agency

The Agency has no objections to the proposed development.

#### 4.3 Conservation & Design Advisory Panel

- The central spine road lacks appropriate enclosure by the buildings
- The central spine road is dominated by 'tarmac'
- There are a number of left over spaces throughout the site, which have the potential to become nuisance spaces

- The courtyards are not designed at human scale and are not enclosed by appropriate buildings. Rather the courtyards are designed to accommodate vehicular movement rather than pedestrian movement. The results are austere courtyards dominated by vehicular movement and car parks
- The proposal require an architectural language that ties the different types together and help create a distinctive place
- Home zone principles could be used to help design the courtyards at a human scale
- Overall the proposals do not represent an improvement of the approved concept statement.

**(b) Other Representations**

**4.4 Local Residents**

Three letters have been received from local residents raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows;

- The existing public access on the Northern boundary should be removed and the original fence replaced
- High density of development
- Increase in traffic, not enough parking
- Increased pressure on services
- Drainage
- Houses back onto Selworthy
- Issues of crime

**5. ANALYSIS OF PROPOSAL**

**5.1 Principle of Development**

The application site is located within the established residential area of Kingswood. The principle of residential development has already been established on this site through the granting of outline planning permission PK04/0587/R30 with means of access approved and all financial contributions agreed.

5.2 This application seeks reserved matters approval for the erection of 65 residential units with siting, external appearance, landscaping and associated works to be determined, at this stage.

5.3 Whilst it is accepted that the Planning Officer put forward a recommendation for approval with regards the previous reserved matters application, regard must be had to the outcome of that application. That application was subsequently refused by Member's at the Development Control (East) Committee meeting and is now a strong material consideration in the determination of this application. The only issue for consideration therefore as part of this current application is whether or not this new application overcomes those refusal reasons, as outlined in section 1(b) of this report.

**5.4 Reasons 1, 2 and 3**

As part of this current application the agent has submitted a written justification in the form of a letter, a Design & Access Statement and an assessment of the application in relation to the South Gloucestershire Design Checklist (SPD) demonstrating how the scheme addresses those refusal reasons. However as no revised plans have been submitted with regards refusal reasons 1, 2 and 3 it

is considered that those refusal reasons have not been addressed and therefore still stand.

- 5.5 It is also considered that there are no other material changes in circumstances since the previous refusal that would override the original decision made by Members at the Development Control East Committee.

5.6 Reason 4

*The proposed development by reason of its layout and proposed house types would have an overbearing impact on the future occupiers of plots 6,9 and 24, which would be to the detriment of their residential amenity and contrary to the provisions of PPS1, PPG3, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.*

- 5.7 The following revisions have been made to the layout as part of this new full planning application in order to overcome the above planning refusal reason:

-The terrace of units (plots 1-6) has been moved back by 0.50 metres to increase the distance between plot 6 and plot 7. The distance between the two plots is now 10 metres. It should be also be recognised that plot 7 is a 1 bed FOG which is only one and a half storeys in height which also improves the relationship between dwellings as well as increasing the oblique separation from the main habitable room window.

-Plot 9 has been amended to remove the front door access on the east elevation which was too close to plot 10. A new front door has been inserted in the northern elevation giving direct aspect into the street. Secondary windows have been added to the gable elevation to provide surveillance of the pedestrian pathway between plots 9 and 10.

- 5.8 Members are advised to consider that no revisions have been made with regards plot 24. The agent has advised the following.

*“With regard to Plot 24, there is a 5 metres separation between the front elevation and the flank elevation of plot 25. However this is not unacceptable within a tight urban form and there is no harm created for the following reasons:*

*-There is only a front door within the elevation with an open angles aspect into the courtyard*

*-All the main habitable room windows are set to the north and east elevations with over 21 metres open aspect.*

*It is not considered therefore on balance that any further changes are needed to be made on those plots”*

- 5.9 The Planning Officer is of the opinion that whilst the revised changes address the previous planning objections raised relating to Plots 6 & 9 that in absence of revised plans relating to plot 24 that the refusal reason as recommended by Members still stands.

- 5.10 It is also considered that there are no other material changes in circumstances since the previous refusal that would override that decision.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 Planning permission be refused for the following reasons.

### **Background Papers**      **PK07/3027/RM**

**Contact Officer:**    **Tracey Price**  
**Tel. No.**                **01454 863424**

### **REFUSAL REASONS**

1. The proposed development and accompanying Design and Access Statement fail to satisfactorily incorporate the approved Concept Statement in the design and layout of the proposal. The proposal is therefore considered contrary to the provisions of PPS1 and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. By reason of the siting and layout of plots 1-6 (inclusive) which back onto Courtney Road, the proposed siting and layout of the proposal is considered poor. Moreover the proposed siting and layout is not informed by and does not enhance the character, distinctiveness and amenity of the site and the area. The proposal is therefore considered contrary to the provisions of PPS1, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The level of on site public open space as required by the Section 106 Agreement associated with the Outline Consent PK04/0587/R30 has been achieved by including a number of smaller areas, some of which by reason of their layout and size fail to provide useable areas for the future occupiers of the development. This would be to the detriment of the residential amenity of the future occupants. The proposal is therefore considered contrary to the provisions of PPS1, PPS3 and Policy D1, LC8 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006
4. The proposed development by reason of its layout and proposed house types would have an overbearing impact on the future occupiers of plot 24, which would be to the detriment of their residential amenity and contrary to the provisions of PPS1, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

**App No.:** PK07/3054/F

**Applicant:** Mr J E Bleaken and  
Mr R Harrison

**Site:** Land to rear of St Agnes & Dog Hill House High Street Hawkesbury Upton BADMINTON South Gloucestershire GL9 1AU

**Date Reg:** 12th October 2007

**Proposal:** Erection of 2 no detached dwellings with new access and associated works.  
(Amended Design to reflect Conservation Area status and alteration to Visibility Splay).

**Parish:** Hawkesbury Upton Parish Council

**Map Ref:** 77584 87144

**Ward:** Cotswold Edge



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## **INTRODUCTION**

This application is placed upon the Circulated Schedule to Members in accordance with procedure given that objections/concerns have been raised.

### **1. THE PROPOSAL**

1.1 The application relates to a site of 721sq metres situated to the rear of St Agnes and Dog Hill House (currently part of the garden area of these properties). The site is situated towards the north-western end of the village of Hawkesbury Upton, within the Defined Settlement Boundary (the western boundary of the application site forms part of the settlement boundary beyond which lies the open countryside). To the south of the site lies St Agnes and Dog Hill House, while to the north lies two further detached properties. The site is also within the Hawkesbury Upton Conservation Area and also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).

In terms of existing boundary treatments, the site is bounded to the west by an established hedge and to the east along the road frontage by a hedge and dry stone wall. Further dry stone walls lie to the south, while the boundary with the two properties along the northern boundary of the site is defined by fencing and a concrete block wall.

1.2 It is proposed to erect a 2 no. two-storey, detached dwelling-houses on the site. Vehicular access would be from the High Street involving the removal of a section of walling with a driveway running to the north of Dog Hill House.

1.3 In support of the application, the applicant has submitted the following information:

- The buildings have been design to minimise energy demand having regard to the orientation, location of living areas and fenestration.
- Insulation is maximised. A “Stormbank” underground rainwater harvest tank (capacity 3000 litres) will enable the use of grey water (run-off).
- Bin storage, recycling and composting facilities are to be provided

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPG13 - Transport : Guide to Better Practice  
PPG15 - Planning and the Historic Environment

#### **2.2 South Gloucestershire Local Plan ( Adopted) 6th January 2006**

D1 - Design in New Development  
L1 - Landscape Protection and Enhancement  
L2 - Cotswolds AONB  
L12 - Conservation Areas  
L17 & L18 - The Water Environment  
H2 - Residential Development in Urban Areas  
H4 - Development within Existing Residential Curtilages  
T7 - Cycle Parking  
T8 - Parking Standards

### 2.3 Supplementary Planning Guidance

Hawkesbury Upton Conservation Area Supplementary Planning Guidance Note.  
South Gloucestershire Council Design Checklist (Adopted August 2007)

## 3. RELEVANT PLANNING HISTORY

P85/1984 Erection of detached bungalow and garage with access (Refused)  
PK02/2259/F Erection of single storey side extension and detached garden store (Approved subject to conditions)  
PK03/2254/F Erection of two storey rear extension (Approved subject to conditions)  
PK03/3705/F Erection of two storey rear extension and erection of rear porch (Approved subject to conditions)  
PK06/0117/F Erection of two storey side extension with porch (Approved subject to conditions)

## 4. CONSULTATION RESPONSES

### 4.1 Hawkesbury Upton Parish Council

No objection raised

### Sustainable Transport Team

The proposal is to erect two three-bed detached dwellings on land to the rear of St Agnes and Dog Hill House. Two vehicular parking spaces are proposed for both the new dwellings and one vehicular parking space is proposed for St Agnes. It is also proposed to demolish an existing garage to provide additional parking space for the occupiers of St Agnes. The occupiers of Dog Hill House have adequate vehicular parking remote from the site boundary. Adequate turning is provided within the site boundary for vehicles to enter and leave the site in forward gear. A revised plan has been submitted showing that visibility splays of 2.4m x 43m can be achieved in each direction. Subject to the following conditions, there is no transportation objection to this proposal.

1. The access road and parking spaces to have a bound surface and be satisfactorily maintained as such.
2. A visibility splay of 2.4m x 43m to be provided and satisfactorily maintained at the site access.

## Other Representations

### 4.2 Local Residents

In response to the first public consultation 4 letters of objection received. The grounds of objection can be summarised as follows:

- The proposed development, given the location of the access and the narrow nature of the road at this point would result in a reduction in highway safety
- Insufficient parking is provided
- The development is cramped
- The proposal would result in loss of privacy
- The proposal would result in loss of light/overshadowing
- The proposal would result in more noise and air pollution

Following public re-consultation (given changes to the design of the proposed development), 2 letters of objection were received. The grounds of objection can be summarised as follows:

- Insufficient parking is provided (there are traffic/parking problems in the area)
- The proposal will be detrimental to highway safety
- The proposal results in too high a density of development

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 allow for residential development within the Defined Settlement Boundaries and within curtilages of dwellings, subject to certain detailed criteria which are discussed below. The site is within the Defined Settlement Boundary as defined in the South Gloucestershire Local Plan.

5.2 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

5.3 Policy D1 of the South Gloucestershire Local Plan seeks to secure good quality designs. Policy L12 seeks to preserve or enhance the character or appearance of the Conservation Area.

5.4 The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the

locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.

5.5 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used.

- 5.6 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”* The density of the development is 28 dwellings per hectares (based upon 2 dwellings on 721sqm site area). Officers are satisfied that having regard to the site’s constraints relating to its location within a Conservation Area, on the edge of the village close to the open countryside and within the Cotswolds AONB, pattern of development, landscape characteristics, access, and impact on residential amenity, that this density is satisfactory and follows the basic pattern of development upon this part of the High Street (the width of the site matches that of Gardor and Yew Tree to the immediate north of the site).

5.7 Design/Conservation Area Issues

Policy L12 seeks to preserve or enhance the character or appearance of the Conservation Area. The Council’s Conservation Officer has considered the scheme and negotiations have taken place and design changes made to ensure that the development is in accord with the aims and objectives of Policy L12 of the South Gloucestershire Local Plan (Adopted January 2006).

It is considered that the application site is located in a prominent position within the Hawksbury Upton Conservation Area and it is possible to view into the site particularly from the rear. It is considered that the site is capable of accommodating two additional dwellings providing they are of an appropriate design. The scale of the dwellings is considered appropriate and in keeping with the surroundings.

Following negotiations the level of the buildings have been lowered such that they are both 1 metre above street level as opposed to 1.5 metres previously in the case of one of the buildings. Essentially the buildings are more discreet and this is also achieved a simplification in the detailing with for example the removal of a lean-to porch previously proposed. The buildings are also varied in appearance reflecting the character of the area where historic buildings have been added with different styles over the years rather than with mirror images that might be more expected from a modern development. Traditional detailing has been added including traditional style windows.

It is considered that there is an acceptable balance between green areas and hard landscaping and it should be noted that the later has been reduced and areas of gravel rather than paving introduced to give a softer appearance. All boundaries are to be of dry stone walling, a feature of the area and this will include re-building where necessary. Conditions are recommended to require detailed drawings of design details such as roof lights, vents and ridges. Details of all door detailing and windows are required and permitted development

rights shall be removed to prevent the addition of inappropriate development. Samples of stonework, stonewalling and render shall be examined prior to the commencement of the development and a sample of the roof tiling and tiling for the dormers shall be submitted for inspection.

The Conservation Officer is now satisfied that the revised scheme would preserve the character and appearance of the Hawkesbury Conservation Area and that subject to the conditions set out above there are no objections on Conservation grounds. It is considered that the proposed development is in accord with Policy L12 of the South Gloucestershire Local Plan (Adopted January 2006) and PPG15.

## 5.8 Transportation

Concern has been raised that the proposed development provides insufficient parking and would result in highway safety problems.

Policy T8 states the maximum parking standard for residential developments. Policy T12 states that development should provide adequate and safe access, capable of accommodating the motorised traffic generated by the proposal.

Two vehicular parking spaces are proposed for both the new dwellings and one vehicular parking space is proposed for St Agnes. It is also proposed to demolish an existing garage to provide additional parking space for the occupiers of St Agnes. The occupiers of Dog Hill House have adequate vehicular parking remote from the site boundary.

While the concerns relating to parking levels are noted it is considered that sufficient parking is provided for the new dwellings and retained by the existing properties St Agnes and Dog Hill House. It should be noted that to provide additional parking for a three bed house would exceed the Council's maximum parking standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted January 2006) and therefore the proposed provision is considered acceptable.

The layout of the development ensures that adequate turning is provided within the site boundary for vehicles to enter and leave the site in forward gear. It should be noted that following negotiations a revised plan has been submitted showing that visibility splays of 2.4m x 43m can be achieved in each direction. A condition will be attached to the decision notice to ensure that this is provided prior to the first occupation of the development (the boundary wall when reinstated to the front must lie behind the splay line as has been shown on the submitted plan).

The proposed access is to have a hard surface to a depth of 5 metres and this will be supported through a condition attached to the decision notice. The parking area would have a gravel surface however this is considered appropriate within the context of a Conservation Area.

There are therefore no highway objections to the proposed scheme and the proposal is considered to be in accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted January 2006).

## 5.9 Landscape and Cotswolds AONB

Policy L1 seeks to protect and enhance the landscape in general whilst Policy ore specifically seeks to conserve and enhance the natural beauty of the AONB.

The site is situated at the edge of Hawkesbury Upton, adjoining a field to the west. As has been note previously the site is quite prominent when viewed from this direction but at distance from the public realm. There are no significant trees on the site. Landscape Officer's concur with the recommendations of the Conservation Officer with regard to the importance of the dry stone walling and the limiting of hard landscaping on the site and the retention and enhancement of the former and provision of the latter has been achieved. It should be noted in particular that the stone wall along the road frontage that is in a poor state of repair would be reinstated as part of the proposal to the enhancement of visual amenity.

Officers are therefore satisfied that subject to a condition to secure a detailed landscape scheme to include hard and soft landscaping, there is no objection to the proposal, which accords with Policies L1 and L2 of the South Gloucestershire Local Plan.

## 5.10 Impact Upon Residential Amenity

Concern has been raised regarding the impact of the proposed development upon the residential amenity of adjoining occupiers.

Given the location of the proposed dwellings, any impact upon neighbouring occupiers must be largely assessed against Gordor and Yew Tree to the north and Dog Hill House and St Agnes (the existing properties) to the south. It is considered that the relationship between the two new properties is acceptable.

With regard to the two properties located to the north, some overlooking of Yew Tree (single storey) would result however this would be largely to the gravel area to the side of the property and of a side elevation of that property. It is not considered given the distance to the property and angle between the properties and the boundary treatments that any impact would be so significant as would justify the refusal of the application. The distance to the nearest part of Gondor would be approximately 15 metres and 20 metres to the main elevation. This is considered appropriate in amenity terms. Distances of between 15 and 23 metres are in place between the new dwellings and Dog Hill House and St Agnes and again this is considered appropriate.

While it is acknowledged that some overlooking of the neighbouring properties would result, given the distances from elevation to elevation, boundary treatments and relative positions it is not considered that any impact in terms of overlooking or physical impact would be so significant such as would justify the refusal of the application. It is also considered that these relationships and distances between properties are in keeping with the historic pattern of development in Hawkesbury Upton.

#### 5.11 Environmental Issues

Whilst there will inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. The Council's Environmental Health Officer raises no objection to the proposal.

#### 5.12 Drainage Issues

In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. A condition will be attached to the decision notice to secure a full drainage scheme (to incorporate SUDS) to be approved prior to the commencement of any development on the site.

#### 5.13 Community Services Department

The proposal is for 2no. house only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.

#### 5.14 Education Provision

Due to the small size of the development including only 2no. house, it is considered that no contributions to education provision can be justified for this development.

#### 5.15 Affordable Housing

The site area is below 0.5 hectares in area and the proposed number of units (2) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

#### 5.16 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the South Gloucestershire Council Design Checklist (Adopted August 2007).

#### 5.17 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan



(Adopted) 6th January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission be GRANTED subject to the following conditions:

**Background Papers**      **PK07/3054/F**

**Contact Officer:**    **David Stockdale**

**Tel. No.**                **01454 863131**

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Notwithstanding previously submitted details, prior to the commencement of development, the design and details including materials and finishes of the following shall be approved in writing by the local planning authority:

- a. Eaves (including verge blocks)
- b. ridges
- c. rainwater goods
- d. French doors
- e. extract vents and flues
- f. rooflights
- g. verges

Where appropriate the design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5. The scheme shall be implemented strictly in accordance with the approved details.

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

3. The finish of all timber windows, doors, lintols and rafter feet shall be submitted and agreed in writing by the local planning authority, and thereafter so maintained in the approved colour and finish unless an alternative is first approved in writing by the local planning authority.

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important

details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings

4. Notwithstanding the provisions of classes A-E inclusive Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment the external elevations of the dwelling hereby approved shall not be altered or extended nor structures erected within the curtilage otherwise than in accordance with a subsequent planning permission.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and the character and appearance of the Conservation Area and to accord with Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved otherwise than with the prior written agreement of the local planning authority.

Reason:

In light of national guidance set out at PPG15 and policy L12 of the South Gloucestershire Local Plan, it is important to protect and maintain the character and appearance of the area in which this development is located. Careful consideration has been given to the detailed design of these dwellings and their relationship with neighbouring properties. It is important that consideration is afforded to any further development within the site.

6. Prior to the commencement of development a sample panel of new facing stonework for the proposed buildings, of at least one square metre shall be constructed on site to illustrate the proposed stone, coursing, and mortar colour and texture. The sample panel shall be approved in writing by the local planning authority and thereafter retained on site until the completion of the scheme to provide consistency.

Reason:

To ensure that the new stonework is appropriate to the location of this development, thereby preserving the character and appearance of the conservation area, in accordance with national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan.

7. Prior to the commencement of development a sample panel of new dry stone walling for the new boundaries of at least one square metre shall be constructed on site to illustrate the proposed stone, coursing, and mortar colour and texture. The sample panel shall be approved in writing by the local planning authority and thereafter retained on site until the completion of the scheme to provide consistency.

Reason:

To ensure that the new stonework is appropriate to the location of this development, thereby preserving the character and appearance of the conservation area, in accordance with national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan.

8. Prior to the commencement of development a sample panel of render of at least one square metre shall be constructed on site to illustrate the proposed colour, texture and finish of the render. The sample panel shall be approved in writing by the local

planning authority and thereafter retained on site until the completion of the scheme to provide consistency.

Reason:

To ensure that the development is appropriate to the location of this development, thereby preserving the character and appearance of the conservation area, in accordance with national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan.

9. Prior to commencement of development a representative sample of double Roman roof tile as well as plain clay tile for the dormers, shall be submitted and approved in writing by the local planning authority.

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason:

To protect the character and appearance of the area to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The visibility splay shown on Drawing C, (Site Plan Parking and Turning received 21st November 2007), shall be provided prior to the first occupation of the dwellings hereby approved and shall be maintained as such thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason:

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. The first 5 metres of the access shall be maintained as a bound surface following completion of the development.

Reason:

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. The hours of working on site during the period of construction shall be restricted to 0730 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to occupiers of and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

<b>App No.:</b> PK07/3078/F	<b>Applicant:</b> Redcliffe Homes Ltd
<b>Site:</b> Land at 208 North Road Yate BRISTOL South Gloucestershire BS37 7LQ	<b>Date Reg:</b> 17th October 2007
<b>Proposal:</b> Demolition of 208 North Road and construction of new vehicular access.	<b>Parish:</b> Iron Acton Parish Council
<b>Map Ref:</b> 69931 83657	<b>Ward:</b> Ladden Brook



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**N.T.S**

**PK07/3078/F**

The application appears on the circulated schedule as representations have been received contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the demolition of 208 North Road and construction of new vehicular access.
- 1.2 The site consists of the domestic curtilage of no. 208 North Road, within the settlement boundary of Engine Common. To the rear of the house is a scrapyards. The site lies outside the Green Belt. The plans have been altered slightly to take on board the comments of the Highway Officer.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
T12	Transportation Development Control Policy

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK03/2862/F Conversion of existing residential dwelling to one self-contained flat and one maisonette. Refused 2003
- 3.2 PK04/0318/F Conversion of existing dwelling into 2 no. self-contained flats and associated works. Approved 2004
- 3.3 It is also pertinent to note the following application on an adjacent site, Land at 200/204 North Road, Engine Common: PK07/1109/F Demolition of 204 North Road to facilitate the construction of new vehicular access: Approved with conditions July 2007

## **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
None received

### **Other Representations**

- 4.2 Local Residents

6 objections have been received to the scheme, as follows:

- Too close to access already approved under PK07/1109/F
- Harm to highway safety, pedestrian School routes and access to local shops and pub
- Whole of area should be developed, not just part
- Development of land behind North Road not needed
- Existing properties would fall in value

- New development should be in North Yate

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposal that stands to be assessed by this application is for the demolition of no. 208 North Road and construction of new vehicular access only. Whilst the applicants, Redcliffe Homes, have made it clear in the Design and Access Statement that they intend to apply for planning permission for housing for land at the rear of the site, however, the application cannot be assessed on this basis, since the only works that are applied for are the demolition of no. 208 and the construction of a new access, and each application has to be assessed on its own merits.

- 5.2 There is no policy that specifically protects dwelling houses from demolition. The property itself has some architectural merit, but is not listed or locally listed and therefore there is no objection to the demolition of this property.

### 5.3 Visual Amenity

There are a variety of boundary treatments along North Road within the vicinity of the application site. In order for the new access to achieve the recommended visibility splay the existing hawthorn hedge will be removed. The Landscape Officer has recommended that a mixed native hedge is planted on both sides of the new access to protect the visual amenity of North Road, and this will be recommended by condition.

### 5.4 Residential Amenity

The proposed access will have no impact on the residential amenity of the area.

### 5.5 Transportation

The Highway Officer has confirmed that the proposed access details are acceptable in terms of highway design and conform to adoptable standards. To give the maximum visibility and to improve pedestrian safety, the applicant has been advised that a 2.4m wide footpath along the whole site frontage should be provided and that this can be achieved by condition.

- 5.6 Concerns regarding the position of this proposed access to one granted planning permission earlier this year at no. 204 North Road have been raised by local residents. The current proposed access is located 46m (measuring centreline to centreline) to that previously approved at no. 204. The proposed junction spacing meets the current highway design standards and as such there are no highway objections that can be substantiated in an appeal situation.

### 5.7 Other matters

Concerns regarding the development of the rear of the site for housing cannot be taken into account in the assessment of this application, as each application must be dealt with on its own merits.

- 5.8 Issues relating to property values are not a material consideration and therefore cannot be taken into account in the assessment of this application.

## 5.9 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

## 5.10 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the following conditions:

**Background Papers      PK07/3078/F**

**Contact Officer:    Sarah Tucker**  
**Tel. No.                01454 863780**

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The existing footway along North Road shall be widened along the development site frontage to 2.4m and maintained thereafter as such.

Reason:

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.



3. The access hereby approved shall be constructed in accordance with the approved plans and to full adoptable standards. All works within the public highway shall be constructed to the full adoptable standards to the full satisfaction of the Council.

Reason:

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

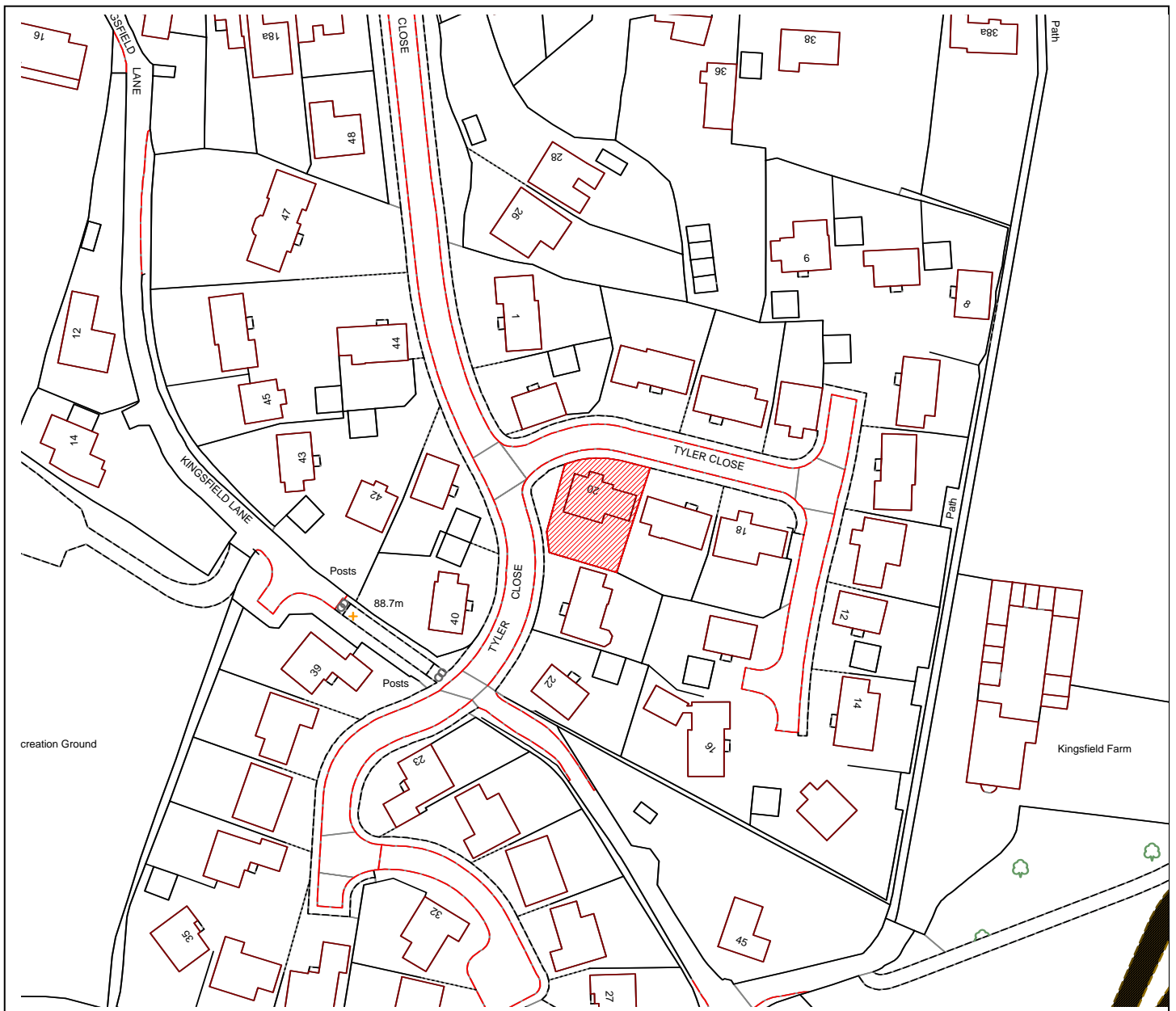
4. Prior to the commencement of development, a plan showing the location, size and specification of a new mixed native hedge to be planted on both sides of the access (behind the visibility splays) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The hedge shall be planted in accordance with the approved plans, and retained thereafter as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the character and appearance of the area to accord with Policies D1, L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

<b>App No.:</b> PK07/3209/F	<b>Applicant:</b> Mr N Coles
<b>Site:</b> 20 Tyler Close Hanham BRISTOL South Gloucestershire BS15 9NG	<b>Date Reg:</b> 29th October 2007
<b>Proposal:</b> Change of use of incidental open space to residential curtilage and erection of 1.9 metre high boundary fence with access gate.(Resubmission of PK07/1599/F).	<b>Parish:</b> Hanham Parish Council
<b>Map Ref:</b> 65132 72420	<b>Ward:</b> Hanham



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**N.T.S**

**PK07/3209/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as a result of objections received from local residents raised regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks retrospective planning permission for the change of use of incidental open space to residential curtilage and the erection of a 1.90m high boundary fence.
- 1.2 The application site relates to a two storey detached dwelling within the established residential area of Hanham.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within existing residential curtilages

2.3 Supplementary Planning Guidance  
South Gloucestershire Advice Note no.2 Extensions

### **3. RELEVANT PLANNING HISTORY**

- 3.1 The following planning history relates to the application site
- 3.2 PK06/0976/F           Erection of single storey side extension  
Approve May 2006.
- 3.3 PK07/3209/F           Change of use of incidental open space to residential  
curtilage and erection of 1.9 metre high boundary fence  
with access and gate  
Refused July 2007 on visual amenity grounds

### **4. CONSULTATION RESPONSES**

4.1 Hanham Parish Council  
Objection. This Committee is of the opinion that their original comments made in June 2007 for application PK07/1599/F still stand. Councillors are unable to make meaningful comments on this current application as the drawings are inadequate, no dimensions are specified and it is not to scale.

#### **Other Representations**

4.2 Local Residents  
2 letters have been received from local residents raising the following objections regarding the proposed development:  
-Position of gate onto planted area

- Details of landscaping need to be clarified plus pathway.
- Dimensions unclear i.e. height
- Plans are mere sketches

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 allows for development within existing residential curtilages subject there being no adverse impact on existing visual and residential amenities.

### 5.2 Visual Amenity

The application site relates to a two storey detached dwelling with attached garage, situated on a corner. It should be noted that planning permission (PK06/0976/F) was recently granted and has now been implemented for the erection of a single storey side extension.

- 5.3 On completion of that extension the applicant's then erected a 2.0m high fence around the perimeter of the site and by doing so enclosed an area of land that had been laid out as open plan. Those works had been carried out without the benefit of planning permission. A planning application (PK07/3209/F) was then submitted in order to regularise the situation but was subsequently refused. At that time the Planning Officer made the following assessment.

*Whilst it is recognised that the applicant owns the land in question, this land has been laid out as open plan so as to create an element of openness to the overall housing development. The Council objects to the proposed enclosure of this land with a 2.0m high fence on the grounds that if allowed would have an adverse impact on the visual amenities of this open plan estate.*

- 5.4 The applicant's have now sought to overcome the previous planning objection by proposing to set back the fence back into the site and therefore retaining the open plan layout. Members are advised to consider that the proposed re-positioned fence will in fact only be stepped out an additional 1.0m than the line of the original fence. It is therefore considered that as a majority of land will be retained as open plan then no objection is raised as it is considered that the proposed fence by reason of its position would not have an adverse impact on the visual amenities of the immediate street scene or this open plan development.

### 5.5 Residential Amenity

The proposed fence by reason of its scale and siting would not have an adverse impact on the existing amenities of neighbouring occupiers.

### 5.6 Other issues

Concerns have been raised regarding the level of detail that has been provided. Whilst it's accepted the plans are not of a professional nature, the Council is however able to assess fully what is being proposed.

### 5.7 Landscaping

As part of the original planning application relating to the approved extension a condition was imposed requiring the submission of landscaping details. Concerns have been raised by local residents that these details need to be clarified and in particular how the proposed pedestrian gate will impact on this area. Members are advised to consider that this will be dealt with separate to

this application. It should be noted however that landscaping details have been submitted and are currently being assessed.

5.8 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the following planning conditions.

Background Papers      **PK07/3209/F**

**Contact Officer: Tracey Price**  
**Tel. No.            01454 863424**

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The existing unauthorised fence as illustrated on the Block Plan received by the Council on the 20th November 2007 shall be removed within 2 months of the date of decision notice or on completion of the erection of the approved fence hereby authorised whichever is the sooner.

Reason:

To safeguard the visual amenities of the area and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

**App No.:** PK07/3221/F  
**Site:** 1 Willow Close Warmley BRISTOL  
 South Gloucestershire BS30 5HZ  
**Proposal:** Erection of 1 no. detached dwelling with  
 access and associated works.  
 (Resubmission of PK06/3394/F)  
**Map Ref:** 67800 72665

**Applicant:** Mr P Hickenbotham  
**Date Reg:** 30th October 2007  
**Parish:** Bitton Parish  
 Council  
**Ward:** Oldland Common



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**N.T.S**

**PK07/3221/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt of three letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 1 No. detached dwelling within the residential curtilage of the existing dwelling No. 1 Willow Close. The house already has planning permission granted in January 2007 but this application seeks to slightly alter the window arrangement on the southern elevation. Vehicular access to the site will be from Willow Close - which is a private highway. The proposed new dwelling will be erected in the side garden of the existing dwelling and will have four bedrooms.
- 1.2 This application relates to a 291 square metre area of land, which currently forms part of the residential curtilage of No.1 Willow Close. The existing property is detached and has an area of garden space to the rear and an area to the side (north) of the dwelling. It is this area of garden space to the north of the host dwelling that is subject of this application.
- 1.3 Planning permission has already been granted for an almost identical property on the site under application PK06/3394/F. The property subject of this application is identical in every way to that already granted planning permission with the exception of changes to the window arrangement to the South elevation.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering sustainable Development
PPS3	Housing
PPG13	Transport - Guide to Better Practice

#### 2.2 Development Plans

##### South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development in Urban Areas
H4	Development within Existing Residential Curtilages
T8	Parking Standards
T12	Transportation Development Control Policy

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/3394/F Erection of 1 Detached dwelling with access and associated works.  
Approved January 2007  
This planning permission is current and can be implemented at any time without the need to submit any further planning application.
- 3.2 P90/4695 Erection of garage and pitched roof over porch.  
Approved December 1990

## 4. CONSULTATION RESPONSES

### 4.1 Bitton Parish Council No Objections

### Other Representations

### 4.2 Local Residents

Three letters of concern have been received from local residents. A summary of the points of concern is as follows:

- The number of windows in the back of the property will overlook the neighbours garden
- The windows in the side of the property will allow overlooking of the neighbours garden
- The private rear garden was one of the main reasons why the owner purchase a neighbouring house
- The development will affect the ability of a neighbour to create vehicular access from the bottom of their garden
- There would be nowhere for visitors to park
- The property has no road frontage
- Limited on-street parking availability in the area
- It will only have a very small garden out of keeping with the existing layout of the cul-de-sac
- The access is insufficient
- The water supply and mains drainage runs up a private road. Owners of the road state they will not give permission to connect the new dwelling to the water or sewerage system.
- The development will overlook the gardens of the houses in Poplar Road
- The design with the tall elongated windows is out of keeping
- Increased congestion in the hammerhead.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages including new dwelling subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

The South Gloucestershire Local Plan (Adopted) identifies the site as lying within the urban area. With the exception of design, it is considered that Policy H2 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H2 allows for new residential development providing that that following criteria are complied with:-

### 5.2 **(a) Development would be on previously developed land.**

The proposed site is considered previously developed land by virtue of its status as land being within the curtilage of the existing residential property. This complies with the definition outlined in PPG3 (Annex C).



The site is therefore considered an appropriate site for residential development subject to compliance with the following criteria.

**5.3 (b) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

It is essential to recognise that a new dwelling already has the benefit of planning permission on the site. The access and parking arrangements to the dwelling subject of this application are identical to that already granted consent.

Transportation

It is not considered that the means of access as proposed would result in any issues of highway safety. It is accepted that Willow Close is a private highway. Nonetheless, the Council are keen to ensure that the proposed development will not result in any concerns of highway safety. The proposal is for the erection of a 4 bedroomed property. In accordance with Council policy T8 of the South Gloucestershire Local Plan (Adopted), the maximum number of bed spaces that can be provided to serve a 4 bedroomed dwelling is 3 spaces. The submitted plan is annotated to clearly show how two off street parking spaces will be provided to serve the dwelling. This is in accordance with South Gloucestershire Policy and is standard in modern development. There is sufficient space on site to allow for the off street parking of three vehicles. Being an unclassified and private highway, there is no requirement to provide off street turning space. In light of sufficient parking space being provided on site, it is not considered that there are any justifiable concerns of increased parking on the highway or in the existing hammer head sufficient to warrant the refusal of the application.

Subject to the attachment of conditions to ensure that the parking spaces are provided to an acceptable standard, there is no objection to the application on the grounds of highway safety or parking.

Residential Amenity

The windows in the north, east, west elevations of the dwelling are identical to that already approved. It is not therefore considered that the dwelling subject of this application will have any greater impact on the dwellings along Poplar Road than the dwelling already approved. The only changes to the windows are on the South elevation. One of the windows approved on the ground floor of the southern elevation is to be moved to a more central location and a new first floor window is proposed. There are no windows in the northern elevation of the existing dwelling No. 1 Willow close that could be adversely affected by the works proposed.

The proposed new dwelling is to be erected in the side garden of No. 1 Willow Close and will be sunk 600mm into the existing ground level. The existing side wall of No. 1 Willow Close facing the application site is blank with no windows facing the proposed new dwelling. As such, it is not considered there are any problems of overbearing or intervisibility between the existing and proposed dwellings on the plot. Indeed there are no primary habitable room windows proposed in the new dwelling facing the existing dwelling.

It is noted that the owners of No. 84 Poplar Road are concerned that the new dwelling will have a detrimental impact on this properties. The proposed new dwelling will be in excess of 30 metres from No. 84 Poplar Road, and at this

distance, it is not considered that the proposed new dwelling would have any overbearing impact on these properties. To the northern elevation of the new dwelling (facing No. 84 Poplar Road) there are a minimal number of windows proposed. The ground floor windows will be entirely obscured by the boundary treatments. The first floor windows will serve bathrooms only and will be fitted with obscure glazing. The roof lights in this elevation will also serve a bathroom and a landing. Given that none of the windows facing Poplar Road are to be habitable room windows, that the majority are to be obscurely glazed are to be small in size, it is not considered there are any issues of loss of privacy for the properties along Poplar Road.

The elongated window on the eastern elevation of the proposed new dwelling, facing towards No's 2 and 6 Poplar Fields, is to serve a staircase only and combined with the distance to these properties, it not considered to have any detrimental impact on these dwellings.

Whilst it is accepted that naturally the amount of garden space to serve both the existing and proposed dwellings will be reduced, sufficient garden space is retained to serve both dwellings. As such, it is not considered that the proposed development will have any adverse impact on existing levels of residential amenity in the vicinity of the site.

The dwelling subject of this application will have no greater impact that the existing dwelling granted permission.

5.4 **(c) The maximum density compatible with the sites location, its accessibility and its surroundings is achieved.**

Planning Policy Statement 3 encourages housing densities to respect the density of the surrounding area. A density calculation on the site provides a density of approximately 34 houses per hectare. The application is thus in keeping with the character of the surrounding area.

5.5 **(d) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

Due to the location of the site in a residential area, a condition would be attached to any consent granted to limit construction hours. Subject to compliance with this condition, it is considered that the proposed site would not result in environmental disturbances.

5.6 **(e) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal**

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.7 Design/Visual Amenity

The design of the new dwelling has a footprint and scale similar to the existing dwellings on Willow Close. By sinking the dwelling 600mm into the existing garden level, the eaves and ridge height of the proposed new dwelling will be similar to the existing dwellings. It is noted that the fenestration to be added into the new dwelling is somewhat unusual and does not follow the traditional pattern of windows in the locality. Nonetheless, it is not considered that the unusual window arrangement is problematic or that it would detract for the

character of the area. The design of the proposed new dwelling is thus considered to be acceptable.

#### 5.8 Other Issues

It is noted that a neighbour states they are sole owner of the access lane and that the water and sewerage pipes run under the private access lane. The owner of the road is stating they will not give permission for the new dwelling to be connected to the existing water and sewerage services. The availability of these services is not however for discussion as part of the planning application and would need to be addressed by the applicant with Wessex Water and other land owners where necessary. This is not under the remit of planning legislation.

#### 5.9 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

#### 5.10 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

### 6. CONCLUSION

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions:

**Background Papers**      **PK07/3221/F**

**Contact Officer:**    **Marie Bath**  
**Tel. No.**                **01454 864769**

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, D, and E) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

In view of the size of the plot any extension/alteration to the dwelling would require further detailed consideration in order to safeguard the amenities of the area and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), the garage hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without the prior written consent of the Local Planning Authority.

Reason:

To ensure that the garage is available for its prime purpose of providing parking for a domestic vehicle, to ensure that sufficient off-street parking is retained to serve the development in the interests of highway safety and to accord with Policy H4 of the South Gloucestershire Local Plan ((Adopted) January 2006.

4. The development shall be carried out exactly in accordance with the approved plans, unless the Local Planning Authority gives written consent to any variation. All new external finishes shall be as specified on the plans.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy DI of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The driveway and parking space shall be surfaced with a fully bound material that shall be maintained satisfactorily at all times thereafter. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on site during the period of construction shall be restricted to 7.30 to 18.00 Monday to Friday, 8.00 to 13.00 on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy (H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 49/07 - 07 DECEMBER 2007**

<b>App No.:</b> PK07/3223/F	<b>Applicant:</b> Mr M Hucker
<b>Site:</b> 22 Pines Road Bitton BRISTOL South Gloucestershire BS30 6JN	<b>Date Reg:</b> 30th October 2007
<b>Proposal:</b> Erection of first floor rear extension to form additional living accommodation.	<b>Parish:</b> Bitton Parish Council
<b>Map Ref:</b> 67008 70415	<b>Ward:</b> Bitton



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**N.T.S**

**PK07/3223/F**

This application has been placed upon the Circulated Schedule due to the receipt of a letter of objection from a local resident.

## **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection first floor rear extension over the existing single storey rear extension to provide additional bedroom accommodation.
- 1.2 The application property consists of a 1970's stone and render gable ended two storey detached dwelling. It is located in an established residential area of Bitton. The dwelling is one of eight detached properties of the same design located on the north side of this section of cul-de-sac. A row of detached bungalows are located on the opposite side of the cul-de-sac. The Bristol to Bath cycleway forms the western boundary of the site.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Car Parking Standards  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Advice Note 2: House Extensions Design Checklist

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P91/4106/F Single storey rear extension (Previous ID: K6870).  
Approved: 22<sup>nd</sup> March 1991.
- 3.2 PK06/1161/F Erection of detached double garage.  
Approved with conditions: 7<sup>th</sup> July 2006.
- 3.3 PK07/2037/F Erection of first floor side dormer window over existing garage roof to form additional living accommodation, refused: 24 Aug 2007 due to its impact upon the street scene.

## **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No objection.

## **Other Representations**

### 4.2 Local Residents

One letter has been received from a local resident raising the following objections:

- 1) The original application for the single storey extension went unchallenged although concern was raised about the impact of the chimney stack
- 2) The application site is at a lower level and the extension would bring the house closer and be out of character with the surrounding area.
- 3) The hedge has been removed
- 4) It has been indicated that the applicants have reached their limit of living allowance, which was applied to applications for the adjoining property.
- 5) The design should be changed to be in keeping

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

### 5.2 Design, Scale and Impact upon Visual Amenity

The extension as proposed would be located on top of the existing single storey rear extension approved in 1991. This extension at present projects 5.8 metres into the rear garden. The construction of an extension to match this depth at first floor does create a large addition to the property that has the potential to impact upon the visual amenity of the area.

However, the ridge height of the extension has been set below the ridge of the main dwelling and thus the extension is suitably subservient. Furthermore, the rear garden is enclosed with existing boundary treatments and the embankment to the Bristol to Bath Cycleway to the west. Given that this property is set at a lower level than the adjoining detached property to the east and is not visible from the public realm, it is the considered opinion of officers that no detrimental impact upon the visual amenity of the surrounding area will result.

### 5.3 Impact upon Residential Amenity

As previously mentioned, the proposed extension projects into the existing garden by 5.8 metres. It is however set 4.6 metres (at its closest point) and 5.8 metres (at its furthest) from the boundary with No 20 Pines Road to the east.

This boundary is also screened by a mature hedge which forms a physical barrier in between the two properties. The application site is at a lower level and angled in such a way that officers consider that the proposed extension will not impact upon the residential amenities of this occupier to such an extent that a refusal of planning permission would be warranted.

Furthermore, there are no windows proposed for the eastern elevation with all habitable room windows facing west onto the embankment of the cycleway. Finally, adequate, private garden space would remain to serve the property, and hence the impact on residential amenity is subsequently deemed acceptable.



#### 5.4 Other Issues Raised

Concern has been expressed regarding the loss of an existing hedge and that the living allowance for this property has been exceeded. In relation to the hedge, this was afforded no statutory protection and was within the applicant's right to remove it from their garden. As a mature hedge remains on the boundary this is not considered material in the determination of this application.

The reference to living allowance appears to relate to the 'permitted development' rights afforded residential dwellings. This has indeed been exceeded for this property resulting in the need for the development now proposed, to require planning permission.

#### 5.5 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That planning permission be approved with conditions

**Background Papers**      **PK07/3223/F**

**Contact Officer:**    **Donna Whinham**  
**Tel. No.**                **01454 865204**

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

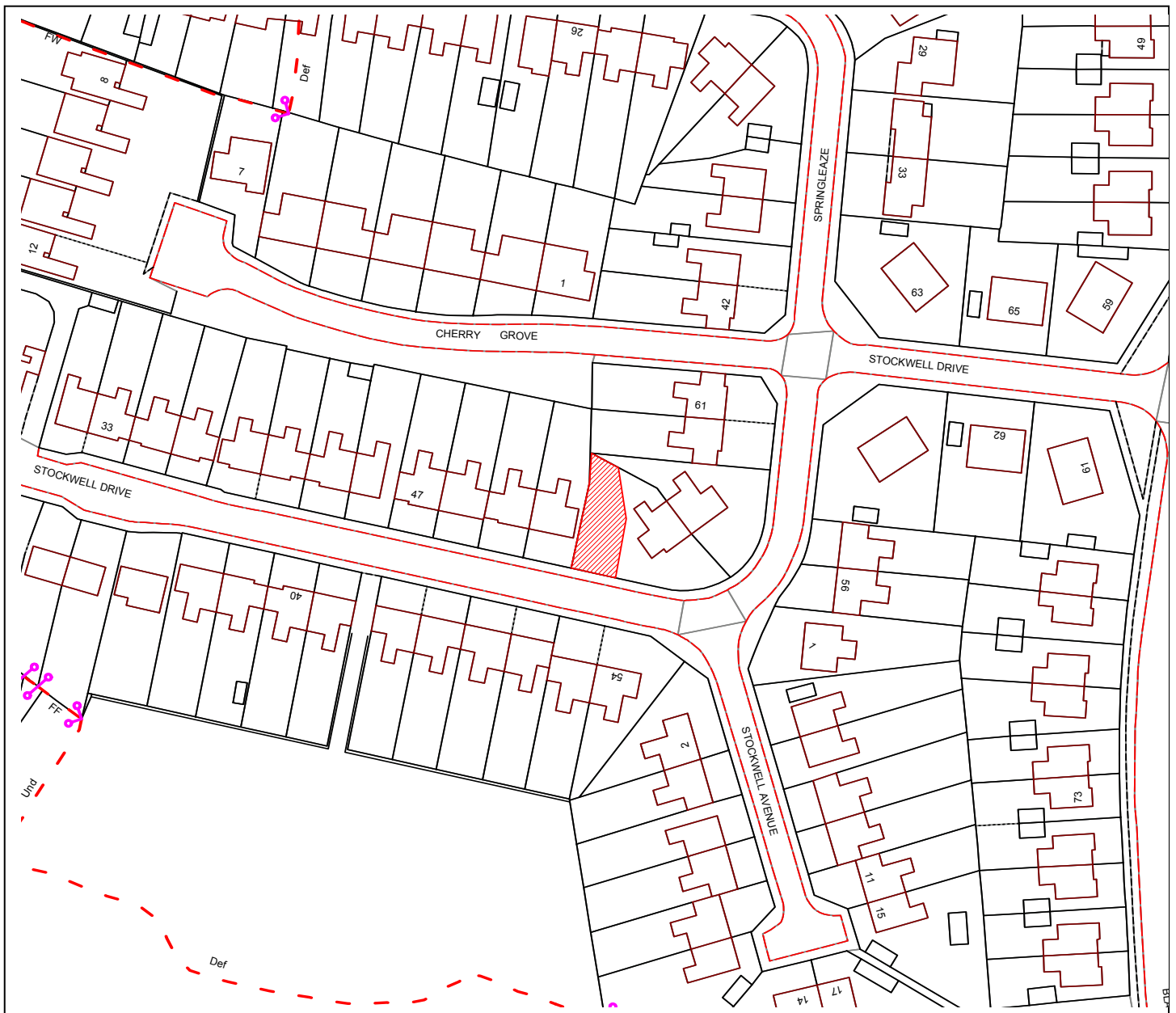
2. No windows shall at any time be placed in the eastern elevation of the extension hereby approved.

Reason:

To protect the residential amenities of the adjoining occupiers in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted January 2007)

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

<b>App No.:</b> PK07/3233/F	<b>Applicant:</b> Mrs Grant & Mr Humber
<b>Site:</b> 55 Stockwell Drive Mangotsfield BRISTOL South Gloucestershire BS16 9DW	<b>Date Reg:</b> 31st October 2007
<b>Proposal:</b> Erection of 1no. detached dwelling with access and associated works. (Resubmission of PK07/2839/F).	<b>Parish:</b> Mangotsfield Rural Parish Council
<b>Map Ref:</b> 66245 76898	<b>Ward:</b> Rodway



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**N.T.S**

**PK07/3233/F**



## **Other Representations**

### 4.2 Local Residents

Seven letters have been received during the consultation period associated with this planning application. The comments can be summarised as follows:

#### Object

- additional traffic hazard on already dangerous corner
- lead to parking problems
- siting - garage location should be next to neighbouring property's garage on highways and design grounds
- overbearing particularly on east facing side windows of No.53
- loss of light to garden and kitchen
- loss of privacy
- position of garage in Design & Access statement is confusing when cross referenced with plans

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the erection of a new detached dwelling. The proposal also includes the provision of two off street parking space in the form of an attached garage and drive.

### 5.2 Principle of Development

Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following considerations.

### 5.3 Density

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that the most efficient use of land, for housing development is achieved; and that new housing development would take place on previously developed land. The expectation is that new residential development would achieve at least 30 dwellings per hectare.

5.4 In this instance, this site measures approximately 197, and the proposed development translates to 51 dwellings per hectare. This is in excess of the above minimum. Although this level is acceptable in principle, it is necessary to consider the implications for such a density in design and visual terms. This is considered below.

### 5.5 Design / Visual Amenity

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 carries this principle forward for new residential development.

5.6 The proposed dwelling would be sited so as to match the shared building line on Stockwell Drive to the west. In addition, the design of the house has been informed by the style and character of neighbouring properties through the use of matching materials, hipped roofs and, on the front elevation, mullioned bay windows. In addition, although the majority of properties on Stockwell Drive are semi detached, the presence of a detached dwelling with similar proportions, scale and design to that of the proposed dwelling, and occupying a prominent elevated position at the end of Stockwell Drive and therefore directly viewable

- in the context of the site and wider streetscene, assists in the proposal's integration with the surrounding locality.
- 5.7 Concern has been raised that the garage should be sited to the west of the application property so as to conform to the location of garages at neighbouring properties. In this instance it is considered that the existence of a single storey side extension on No.55 means that the garage could be placed appropriately on either side of the house without harming the streetscene.
- 5.8 Accordingly, it is considered that the proposal would be an appropriate addition to the streetscene in line with the requirements set out in Policy D1 (A), H4 (A) of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Design Checklist (Adopted) August 2007.
- 5.9 Amenity Space  
The amenity space to serve the new property would measure approximately 60 square metres. This is considered sufficient in size to serve a three bedroom property. Accordingly, the proposal is considered to comply with criterion D of Policy H4.
- 5.10 Residential Amenity  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development does not prejudice the amenities of nearby occupiers.
- 5.11 Concern has been raised that the proposal will block light to neighbouring properties and their associated gardens; cause an overbearing impact; and a loss of privacy.
- 5.12 In reference to loss of light, it should be noted that a person does not have a right to light over land which they do not control. With regards to the loss of privacy it is considered that because the neighbouring properties to the rear are located approximately 18 metres from the proposed dwelling and off set to the east, a harmful loss of privacy would not occur. In reference to the concern that their gardens would be overlooked, it should be noted that surrounding properties already overlook these gardens; the introduction of a further dwelling is not considered to result in a harmful loss of privacy to such an extent that it warrants refusal. In reference to the overbearing impact, the east facing windows in No.53 are secondary windows and therefore the principal outlook is from the north and south and not towards the application site to the east.
- 5.13 Accordingly, it is considered that the proposal complies with criterion B of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.14 Transportation  
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides maximum parking standards.
- 5.15 Concern has been raised that the proposal will harm highway safety and lead to parking problems. The Council's highway officer has assessed the proposal. She notes that two vehicular parking spaces are proposed for the new dwelling in the form of a garage and space in front. The internal dimensions of the

garage have now been enlarged as requested in the previous transportation comments. On that basis, there is no transportation objection to the proposed development.

5.16 Other matters arising

Local residents have pointed out that there is a lack of correlation between the design and access statement and the plans in relation to the position of the garage. For the avoidance of doubt it should be noted that development proposals must be built in accordance with the plans submitted, and not in accordance with the Design & Access Statement. In this instance therefore officers consider that sufficient detail has been provided to make to make an assessment of the impact of the garage.

5.17 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

**6. CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

7.1 Planning permission be **GRANTED** subject to the following conditions:

**Background Papers**      **PK07/3233/F**

**Contact Officer:**      **Edward Purnell**

**Tel. No.**                      **01454 863056**

**CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 Classes A, B, C, D, E, and G or any minor operations as specified in Part 2 Class A, other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 49/07 - 07 DECEMBER 2007**

**App No.:** PK07/3335/F  
**Site:** 10 Highleaze Road Oldland Common  
 BRISTOL South Gloucestershire BS30  
 9SG

**Applicant:** Mr M Pocock  
**Date Reg:** 9th November 2007

**Proposal:** Erection of single storey rear extension  
 to provide additional living  
 accommodation.

**Parish:** Bitton Parish  
 Council

**Map Ref:** 67029 71557

**Ward:** Oldland Common



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**N.T.S**

**PK07/3335/F**

This application has been placed upon the Circulated Schedule due to the receipt of an objection from Bitton Parish Council.

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the rear of the dwelling. The extension would form a sun room infilling an area to the side of the existing sun room extension.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

- 2.3 Supplementary Planning Guidance  
Design Checklist

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK03/2767/F  
Alterations to roof and erection of two storey front extension, refused 2003
- 3.2 PK04/1494/F  
Erection of rear extension to provide sun room with mezzanine above, first floor side extension and dormers, approved 2004

## **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors were concerned at the piecemeal development of this site and the overall effect on the building of the proposed development in addition to the extant permission. They objected to the application which, they felt, would be detrimental to the street scene and represent an over-intensification of use of the site.

### **Other Representations**

- 4.2 Local Residents  
One comments have been received raising no objection to the development but raising concern about how the Council could allow the building to be extended by at least 100% of the original bungalow.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan allows for residential extension within the urban area, providing that development is in keeping with

the character of the area and satisfies criteria relating to design and scale, and ensuring that the highway, visual and residential implications of the scheme are acceptable.

#### 5.2 Design/ Visual Amenity

It is accepted by Officers that this single storey property has been subject of significant extension in the past approved under planning application PK04/1494/F. The erection of the modest single storey rear extension now proposed, in addition to the existing extensions to this property would create a dwelling with a large footprint. However the extension now proposed would effectively infill a small portion of garden to the rear of the property adjacent to the existing extended sun room. The extension is clearly subservient and will be constructed of materials to match the existing property.

Concern has been raised by the Parish Council that the scheme represented overdevelopment of the site. Members should be aware that although the footprint of the resultant dwelling will be large it is set with a large garden and would not constitute a cramped form of development.

Whilst glimpses will be visible from the gardens to the south west, the existing boundary treatment and outbuildings in the adjoining gardens plus the dwelling itself will screen views from the public highway. It is not considered therefore that this modest single storey extension will impact upon the visual amenity of the area.

#### 5.3 Residential Amenity

The proposed extension is to be erected close to the south western boundary of the site which adjoins the gardens of properties to the south west. There is a high boundary wall and outbuildings which screen views of the application site. It is not considered that the extension will result in any issues of overbearing or loss of privacy for any surrounding neighbour.

#### 5.4 Transportation Implications

The off-street car parking arrangements for this dwelling will remain as existing and hence no transportation objection is raised in this instance.

#### 5.5 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions;

**Background Papers**      **PK07/3335/F**

**Contact Officer:**    **Donna Whinham**  
**Tel. No.**                **01454 865204**

## **CONDITIONS**

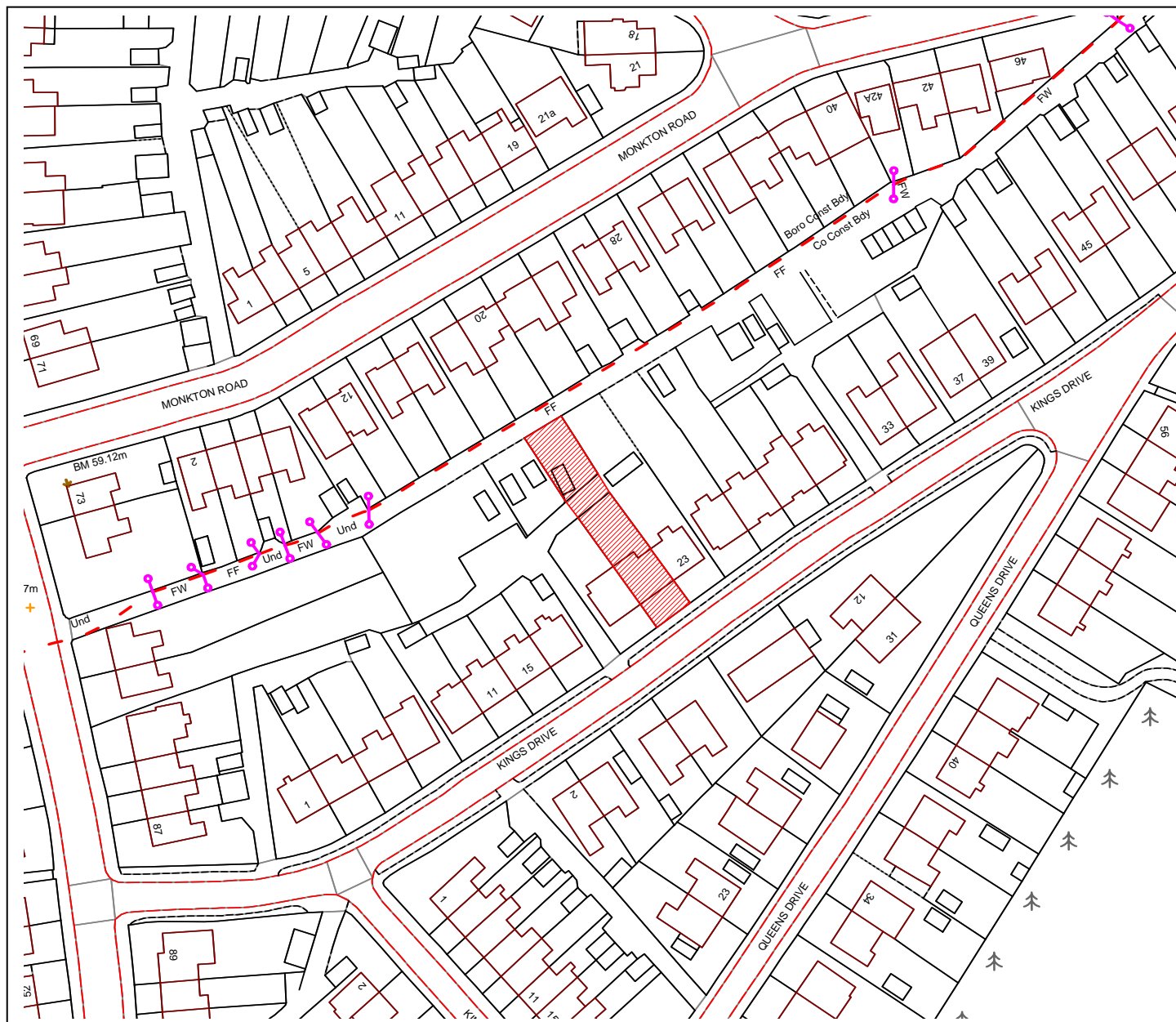
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

## CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007

<b>App No.:</b>	PK07/3386/F	<b>Applicant:</b>	Mrs J Davey
<b>Site:</b>	21 Kings Drive Hanham BRISTOL South Gloucestershire BS15 3JH	<b>Date Reg:</b>	14th November 2007
<b>Proposal:</b>	Erection of detached double garage (part retrospective).	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	63937 71953	<b>Ward:</b>	Hanham



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N.T.S

PK07/3386/F

This application has been placed upon the Circulated Schedule due to the receipt of comments from Hanham Abbots Parish Council and objections from local residents.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a detached double garage located within the residential curtilage of 21 Kings Avenue, a residential property in Hanham. The application site itself is separated from the main dwelling and garden by an existing access lane which provides vehicular access to the application site and garages of adjoining residents. The application is part retrospective, with the blockwork shell of the garage already complete. The application has been submitted following a complaint investigation by the Council's Planning Enforcement Team.
- 1.2 The site is surrounded by existing residential properties and associated gardens with a public right of way located to the north of the site separating the application site from gardens of properties in Monkton Road.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.1 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings  
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance  
Kingswood Advice Note 1: Altering Your Home  
Kingswood Advice Note 2: House Extensions  
Design checklist

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
Although not objecting to this proposal the Council would like to point out that this development has been almost completed and therefore the application should be termed retrospective. The Council is also concerned about the size of the building and its possible use for commercial activity. It therefore, recommends that any consent is conditional on the use of the building for domestic purposes only and that no parking of commercial vehicles or storage of commercial goods is permitted.

## **Other Representations**

### 4.2 Local Residents

Two letters of objection have been received from local residents raising the following issues:

- 1) The design is out of place for the area
- 2) It is very high and overbearing
- 3) A large mature tree was removed prior to starting work
- 4) It looms over the fences at the bottom of neighbours gardens

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development keeping in character of the area with criteria for design, scale, highway and impact upon visual and residential amenities met.

### 5.2 Design/ Visual Amenity

The proposed garage is considered to be of relatively standard design although of a scale larger than would normally be associated with a domestic garage, being 7.5 metres in length and width and 3.9 metres in height.

The garage is to have gable ends and a ridged roof with a roller shutter door and separate pedestrian access. The garage is to be finished in rendered block and have a tiled roof and is thus considered to be in keeping with the host dwelling and surrounding properties. Although the garage is large in scale it is located within the rear access lane and adjoins other detached garages serving properties in the vicinity. Once complete it is considered that the proposal due to its screened location from the wider street scene, will integrate successfully without causing a detriment to the visual amenities of the area.

### 5.3 Residential Amenity

Concern has been expressed by local residents regarding the size of the garage and its impact upon gardens to the rear. As previously mentioned the application site and the gardens serving properties in Monkton Close are separate by an access lane (PROW) with the rear elevation of the properties being approximately 20 from the rear elevation of the garage. Whilst some impact will result to the rear gardens due to the height of the garage, at the distance proposed it is not considered that the proposed garage will have such an impact upon residential amenity that a refusal of planning permission could be justified in this instance.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

Concern has been expressed by local residents and the Parish Council that commercial activities may take place in the garage. Members should be aware that this would constitute a change of use, requiring planning permission in its own right and can not therefore form a material consideration in the determination of this planning application.

#### 5.4 Transportation

The proposal would provide adequate levels of off-street car parking provision to satisfy Policy T8 of the South Gloucestershire Local Plan and as such no transportation objections are raised in this instance.

#### 5.5 Landscaping Issues

As previously mentioned this application is in part retrospective with existing landscaping on site having been removed prior to the commencement of construction works. The removal of this tree would not have required permission in its own right and hence the loss of this tree would not constitute a reason to refuse the current planning application.

#### 5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That planning permission be approved with conditions

**Background Papers**      **PK07/3386/F**

**Contact Officer:**    **Donna Whinham**  
**Tel. No.**                **01454 865204**

### CONDITIONS

1. No windows shall at any time be placed in the rear elevation of the garage hereby approved without the prior written approval of the Local Planning Authority.

Reason:

In the interest of protecting the residential amenities of the adjoining occupiers in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted January 2006)



**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

**App No.:** PT07/0650/O

**Applicant:** Mr L Reuben Filton  
Town Council

**Site:** Land at Elm Park adj. Shellard Road  
Filton BRISTOL South Gloucestershire

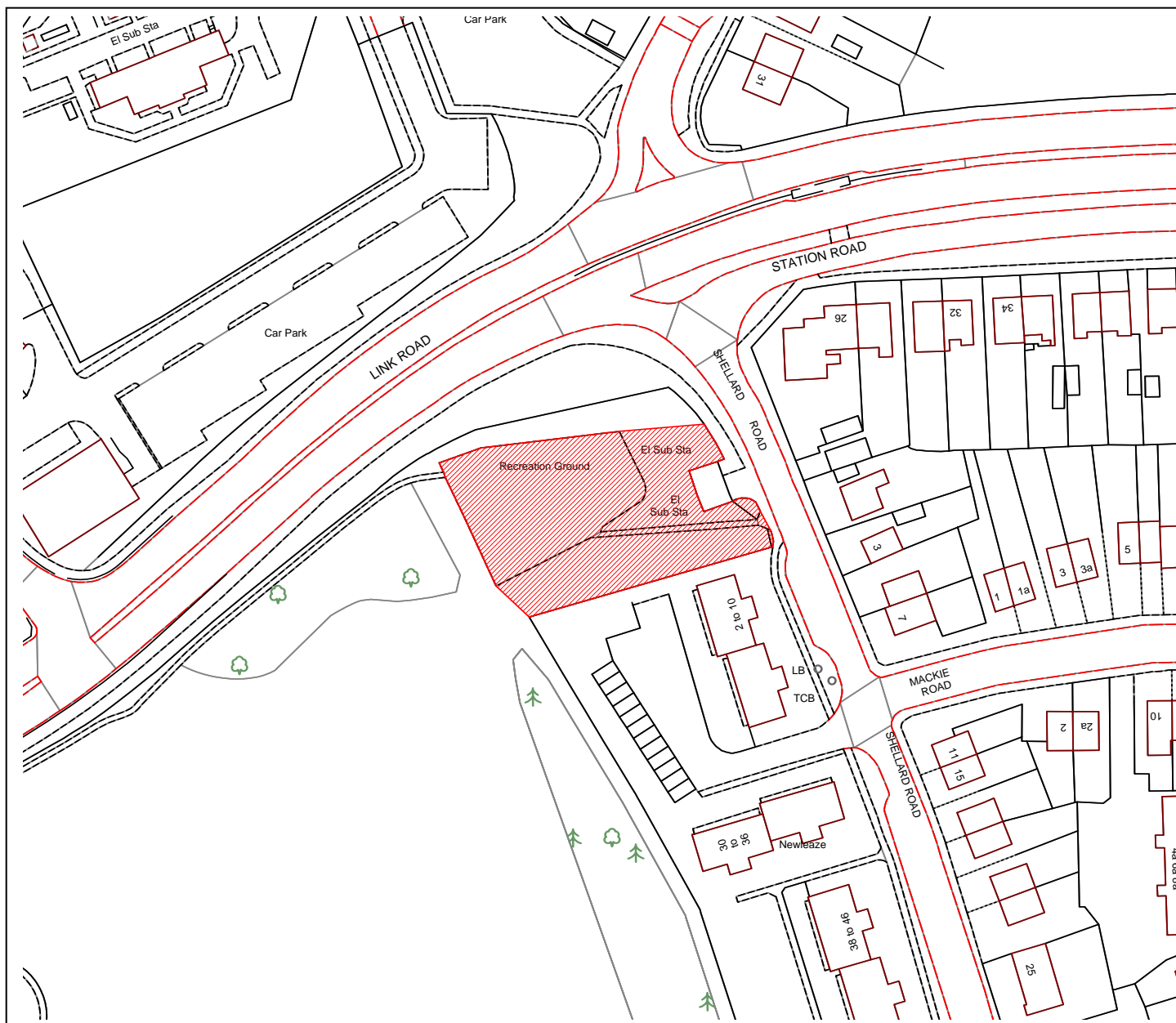
**Date Reg:** 26th February 2007

**Proposal:** Erection of 21 no. two bedroom flats  
(Outline) with layout to be determined, all  
other matters reserved.

**Parish:** Filton Town Council

**Map Ref:** 60424 78995

**Ward:** Filton



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100023410, 2007.

**N.T.S**

**PT07/0650/O**

## **INTRODUCTION**

The application appears on the circulated schedule because it is a major development and there have been representations of objection from third parties.

### **1. THE PROPOSAL**

- 1.1 The application seeks outline planning permission for the erection of 21 units on land in the Northern corner of the Elm park recreation field. Layout is the only matter to be determined at this stage with all other matters reserved for a later stage.
- 1.2 This application is set within the context of an overall scheme by the Town Council to redevelop the whole of the recreation centre and pitches. It is proposed to use the monies generated by the housing on this site to fund / part fund the redevelopment of the rest of the site.
- 1.3 It is proposed that the development will occupy the Northern and eastern edge of the site with parking behind the units. Existing walkways will be maintained through the site. Vehicular access is indicatively proposed to the site via the rear of existing flats on Shellard Lane. Access is an issue reserved for consideration at Reserved Matters stage.
- 1.4 The proposed development comprises 12 two bed flats, 7 one bed flats, and two 3 bedroom houses. Of these 7 will be for subsidised affordable housing comprising the two houses and a mixture of the one and two bedroom flats.
- 1.5 The site presently comprises a hard-surfaced play area. The site is within the established residential area of Filton. A basketball court and a skate ramp are presently on the site. However these facilities will be replaced by new facilities near the recreation centre. Presently the area is somewhat run down in appearance.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPS3 Housing
  - PPG13 Transport
  - PPG17 Planning for Open Space, Sport and Recreation
  - PPG24 Planning and noise
- 2.2 Joint Replacement Structure Plan
  - Policy 1 Sustainable development
  - Policy 2 Location of development
  - Policy 12 Development in North Fringe
  - Policy 33 Housing provision and distribution
  - Policy 35 Housing density
  - Policy 51 Pedestrians and cycling
  - Policy 59 New development – transport issues
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - L17/18 Water Environment

- H2 Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries
- H6 Affordable Housing
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- EP4 Noise Sensitive development
- LC2 Provision of education facilities.
- LC9 Protection of playing fields

- 2.4 Supplementary Design Document  
South Gloucestershire Design Checklist (Adopted).

### 3. RELEVANT PLANNING HISTORY

- 3.1 There is no formal planning history for this piece of land, however the following relates to Elm Park..
- 3.2 PT07/0598/F- Erection of changing facility, and extension to existing recreation centre.  
Approved

### 4. CONSULTATION RESPONSES

- 4.1 Filton Town Council  
It would be inappropriate to comment as the application is on Filton Town Council land.
- 4.2 Wessex Water  
Comments in relation to agreeing drainage details.
- 4.3 Sustainable Transport  
No objection to the scheme but would seek further plans at reserved matters stage in relation to disabled parking, footpaths through the site, cycle parking, , and the location of bin store. A Contribution of £900 per flat and £1800 per house is sought towards the North Fringe Transport Strategy.
- 4.4 Sport England  
Broadly support the scheme as it is linked to the improvement of sporting facilities. This is subject to a s106 agreement linking the new changing facilities improvements to the development.
- 4.5 Local Residents  
10 of objection have been received and they raise the following points.
- a) Loss of entrance to the field
  - b) Is there sufficient parking on the site
  - c) Loss of value to neighbouring properties
  - d) Loss of playing field
  - e) Over population of Filton
  - f) Development is too close to main road
  - g) Loss of amenity space to neighbouring properties due to entrance way in to the site being at the rear of an existing block of flats
  - h) Lack of parking provision
  - i) Impact on neighbouring flats

- j) Loss of trees
- k) Water springs exist below elm park
- l) The idea behind the development is for a developer to make a quick profit

The following comments have been received in support of the application:

- The redevelopment /improvement to the playing field is welcomed  
New flats in Filton are needed as some of the existing stock suffers from problems which make habitation difficult.

## 5. ANALYSIS OF PROPOSAL

The structure of this report falls into 2 principle parts, the first part deals with the planning merits of scheme, whilst the second addresses the planning obligations.

### 5.1 Principle of Development

In light of the type and nature of the application submitted the main issues to consider when determining this application are the principle of development and layout of the site.

5.2 The site lies within the existing urban area of Filton, as such the principle for allowing residential development in this area is supported by policy H2. However this is with a proviso that other criterion such as design, landscaping, and transportation are met. Notwithstanding Policy H2, Policy LC9 seeks to protect playing fields. In most instances the council would seek to preserve and enhance these facilities. But this will be addressed in more detail below.

5.3 Advice contained within PPS3 (Housing) is quite specific in that it encourages the use of land within residential areas for housing. This advice is reflected in the adopted Joint Replacement Structure Plan, and the adopted Local.

5.4 Policy H2 states that development should only be allowed provided the development will not result in unacceptable environmental or transportation effects, residential and visual amenity of the site and surrounding area is not affected, the density of the dwelling units proposed fits in with national policy and the context of the site, finally there must be adequate provision of education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

### 5.5 Protection of open space and playing fields

Policy LC9 (Protection of Open Space and Playing Fields) is relevant in the context of developing on open space and playing fields. Criteria D and E are the most important and read :

*LC9 PROPOSALS FOR DEVELOPMENT OF EXISTING OR PROPOSED FORMAL OR INFORMAL OPEN SPACE, OR OF LAND LAST USED FOR PLAYING FIELDS, WILL ONLY BE PERMITTED IF:-*

*D. A LIMITED DEVELOPMENT WOULD RESULT IN ENHANCED OUTDOOR SPORTS AND RECREATION FACILITIES AT THE SITE; AND*

*E. IN ALL THE ABOVE CIRCUMSTANCES THE DEVELOPMENT WOULD NOT HAVE UNACCEPTABLE ENVIRONMENTAL EFFECTS AND WOULD NOT PREJUDICE RESIDENTIAL AMENITY.*

5.6 The supporting text at paragraph 10.81 expands on criteria D it explains that:

The Council may also allow the partial development of public open space in circumstances where there would be an enhancement of the existing playing field facilities. Such circumstances could arise where the configuration of the site allows for the introduction of built structures e.g. changing rooms, without impinging on playing space. Also, on a large site requiring accommodation and enhancement to optimise the recreational use, or on large sites where existing facilities are of such poor quality that the facility as a whole is substantially under used and its retention is subsequently under threat. The explanatory text goes on to suggest that no more than 10% of such a site should ever be developed, and also gives an indication of the enhanced facilities envisaged. The facilities envisaged include changing rooms

- 5.7 In light of the above it is considered that the contribution the development of this element of the field will have in terms of providing the finance for the redevelopment of the changing rooms and up grading of the leisure centre will result in the development complying with policy LC9. This is in line with the criteria laid down by Sport England who considered that there must be a compensatory sporting benefit in the loss of the playing fields. It is also worth noting that less than 2% of the overall playing fields will be lost as a result of this development.
- 5.8 Without the proposed enhancements Policy LC9 would not permit this development. The Local Planning Authority must be satisfied that the enhancements are carried out. It is considered that the appropriate mechanism for this is via a s106 Agreement, which links the sale of the land to the provision of the changing facilities.
- 5.9 Density  
The site has an area of 0.22 hectares. The density of the site equates to 95 dwellings per hectare. Policy H2 indicates that the maximum density compatible with the context of the site should be sought, with a minimum of 30 dwellings per hectare. The area is considered to be a sustainable location within good transport links. In such locations it is appropriate to seek higher density development subject to an appropriate design. It is considered that that it would be able to achieve an appropriate design for development of this density on this site.
- 5.10 Design / Layout  
The only matter before the council for consideration at this outline stage is that of layout. Landscaping, detailed design and access are reserved for consideration at a later stage.
- 5.11 In terms of the layout and illustrative information submitted the applicant has created a street frontage by fronting the main bulk of the building onto Station Road. The majority of the proposed units will be in this block. The block will be one continuous unit measuring some 46 metres along its frontage. The private area for the development is behind the mass of the built form. Thus a clear demarcation is created between the private and public space.
- 5.12 The applicant has also informally indicated that they wish to create a land mark building on the corner by having the built form higher than its surroundings. This is an appropriate approach given the prominence of this corner in the wider locality and it is thought to be the best way of addressing the issues

arising from it. The majority of the buildings on site will be 3 storeys except for the corner building which rises to 4 storeys on the corner.

5.13 There will be private amenity space for each house on site, whilst the flats will benefit from an area of communal private area to the rear of the units. The residential development is next to large sports field so the provision of amenity space on site is not considered fundamental as the residents have easy access the neighbouring sports field.

5.14 In light of the above it is considered that the proposed layout of the site is acceptable.

5.15 Transportation

The Councils Transportation officer has assessed the proposal and has confirmed that in broad terms there is no highway objection to the scheme, as submitted. There are however a number of issues that would need to be addressed at the Reserved Matters stage. These include cycle parking, and bin storage provision, arrangement of car parking spaces, and the formation of walkways through the site.

5.16 A contribution towards mitigating the impact upon the transportation network in the North Fringe is required. In this instance the cost would be £20700, which equates to £900 for each unit flat and £1800 for new house in the proposed development. This would be the appropriate subject of a Section 106 Agreement.

5.17 Building Performance

After considerable negotiation, the developer has agreed to ensure that the development achieves Level 3 of the Code for Sustainable Homes / eco homes very good rating. This would accord with the Council's adopted Design Checklist and the Draft Regional Spatial Strategy. It also complies with policy Policy D1(G) of the South Gloucestershire Local Plan (Adopted) January 2006 that states "...Proposals will be required to demonstrate that ...the design, density, orientation and location of buildings and associated landscape proposals seek to achieve energy conservation and the protection of environmental resources..." . This is dealt with by a condition.

5.18 Noise

Given the close proximity of the site to Station Road, the impact of the road traffic noise is considered material.. Both Local ( Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006) and National guidance indicates that consent should not be granted for developments that would suffer from an unacceptable degree of noise. PPG24 sets out advice in terms of Noise Exposure Categories (NEC). The noise survey submitted as part of this application indicates that the noise levels experienced by people in the dwellings would fall mostly in Noise Exposure Category B / C, under which circumstances consent should not normally be permitted. However the Environmental Health Officer has confidence that as part of the detailed design stage, mitigation measures will be put in place which will make internal noise levels acceptable and as such, considers a condition appropriate.

5.19 Therefore in this instance, taking the whole site into account and subject to a condition regarding further information on noise alleviation measures, then the scheme is on balance acceptable.

#### 5.20 Other Issues raised

The affect on property values is not a material planning consideration. The issue of drainage has been raised and the Council's Drainage Engineer has not raised any objection to the scheme, and a condition is suggested to require a full drainage scheme to be submitted and agreed should the development be built. The issue of loss of trees has also been raised but as the application is only an outline, and landscaping is one of the issues reserved for a consideration at a later then no formal details are provided. However from the site visit and the formal layout plans submitted it would appear that no prominent trees will be lost as a result of this development. However further details on this will be required before any development takes place.

### Planning Obligations

#### 5.21 Education

The Council seeks to ensure that the provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals. In this instance the Education Section have confirmed that there is a surplus of places at secondary school level in the vicinity, and no planning obligation is required for this. However there is a deficit of places in terms primary school places. This development will require e one extra child place. Therefore a contribution of £8,861.43 is required towards providing this. This is in line with policy LC2 of the South Gloucestershire Council Local Plan. The applicant has agreed in principle to this.

#### 5.22 Affordable housing

Due to the size of the site there is a requirement for an affordable housing contribution under policy H6 of the South Gloucestershire Local Plan. 33.33% of the proposed development should be subsidised Affordable housing. This equates to 7 units. A tenure split of 75/25% in favour of rented accommodation is sought. The applicant has agreed to this in principle and 3 units would be for rent with 1 for shared ownership.

#### 5.23 Community Services

It is considered that in this instance given that housing development is intended to finance the upgrading of the sports centre, and construction of a new changing facility then the Council would not request a formal landscape contribution / open spaces contribution. However a legal agreement is required to ensure that the enhancement to the sports facility takes place.

#### 5.24 Transportation

The contribution to offset the impact on the Bristol North Fringe road network has already been addressed in the report.

#### 5.25 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

#### 5.26 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/05 relate to the use of planning conditions and planning obligation under

Section 106 of the Town & Country Planning Act (as amended). Circular 05/05 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance having regard to the above advice the following is required in the form of a Section 106 Agreement and would satisfy the tests set out in Circular 05/05. The Section 106 Agreement would be used to provide, transportation improvements, Affordable housing, education contributions and community facilities. Planning condition are also proposed as detailed below.

## **6. CONCLUSION**

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the Adopted South Gloucestershire Local Plan as set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- a. A financial contribution of £20,700 towards the North Fringe Transport Strategy.

### Reason

To promote modes of transport other than the car and mitigates against the impact upon the transport network in the North Fringe, to accord with Policy T12 Transportation Development Control Policy for New Development of the South Gloucestershire Local Plan (Adopted) January 2006.

- b. A financial contribution of £8,861.43 towards providing a Primary school place.

### Reason

To provide an acceptable level of education provision in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006

- c. The provision of 7 units to be used for subsidised affordable housing, 5 for rent, with 2 shared ownership unit.

### Reason

In accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006 which seeks to provide a mix of house tenures.



- d. To provide new changing room facilities on land at the northern side of the existing sports centre at Elm Park, Filton, within 3 years of the date of the legal transfer of land at the Elm Park playing field adjacent to Shellard road and Station Road Junction Filton.

Reason

In accordance with policy LC9 of the South Gloucestershire Local Plan (Adopted) January 2006 which seeks to promote and enhance playing fields.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.
- 7.3 This Section 106 Agreement should be signed within 12 months of the date committee resolve to approve this scheme otherwise the proposal will be refused for the failure to sign the section 106 Agreement necessary to achieve the required level of contributions, or alternatively the application be referred back to the area Development Control Committee

**Background Papers**      **PT07/0650/O**

**Contact Officer:**    **Gareth John**  
**Tel. No.**                **01454 863438**

**CONDITIONS**

- 1 Approval of the details of the appearance of the building(s), scale, the means of access thereto and the landscaping of the site (hereinafter called ("the reserved matters")) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

- 2 Plans and particulars of the reserved matters referred to in the condition above, relating to the scale ,appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason(s):

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 4 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason(s):

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 5 Construction work shall not begin until a scheme for protecting the dwellings hereby approved from traffic noise from Station Road has been submitted and approved in writing by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the residential development is occupied.

Reason(s):

To minimise disturbance to the occupiers of the development and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 6 No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7 No development shall take place until the Local Planning Authority has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes Assessor, proving CSH Level 3 achievement for each dwelling. Each residential building shall then be subject to a post completion check by the BRE Licensed CSH Assessor (after the Design Stage Report has been carried out and an interim certificate obtained) and a final Code Certificate of compliance for each dwelling shall be submitted to, and confirmed in writing by, the local planning authority prior to first occupation of the dwelling or building to which the certificate relates.

Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, SGLP Policy D1, the South Gloucestershire Design Checklist, and the draft Regional Spatial Strategy for the South West of England (Policy G).

## CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007

<b>App No.:</b>	PT07/3140/F	<b>Applicant:</b>	Mr B Taylor
<b>Site:</b>	11 Rudgeway Park Rudgeway BRISTOL South Gloucestershire BS35 3RU	<b>Date Reg:</b>	23rd October 2007
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation. Erection of attached single garage and front porch. (Resubmission of PT07/1663/F).	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	62607 86293	<b>Ward:</b>	Thornbury South and Alveston



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## **INTRODUCTION**

The application appears on the Circulated Schedule in view of the concerns raised by the adjoining neighbour.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for a single-storey rear extension, for a single attached garage and front porch.
- 1.2 The application site comprises a detached single-storey dwelling on the west side of Rudgeway Park cul-de-sac. The property lies within the Rudgeway settlement boundary that is washed over by the green belt.
- 1.3 The application follows two previous submissions at this address. The first of these sought permission for a rear box dormer, an attached garage and front porch and was refused for the following reasons:
- 1.4 *'The proposed rear roof extension by reason of its height, width and bulk would be unduly prominent and visually jarring and would be detrimental to the visual amenity of the area contrary to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted).'*
- 1.5 *'The proposed roof extension due to its position relative to that of adjoining properties would result in an unacceptable level of overlooking of the adjoining property with a consequent loss of privacy and would be contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted).'*
- 1.6 The subsequent application sought to address these concerns by introducing a single-storey rear addition in lieu of the dormer. However, this application was withdrawn in view of concerns with regard to the impact of this extension on the neighbouring property.
- 1.7 Amended plans form part of this submission correcting details in respect of, and deleting the pitched roof over, the rear extension and removing the side facing window in view of the concerns expressed by the adjoining resident.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belt
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 House Extensions  
GB1 Development in the Green Belt
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Urban Design Checklist  
Development within the Green Belt

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/0567/F: Installation of rear box dormer to facilitate loft conversion; front porch and garage. Refused: 29 March 2007
- 3.2 PT07/1663/F: Erection of single-storey rear extension to provide additional living accommodation; attached garage and porch. Withdrawn: 5 July 2007

### **4. CONSULTATION RESPONSES**

4.1 Alveston Parish Council  
No objection

4.2 Other Consultees  
No comments received

4.3 Summary of Local Residents Concerns:  
One letter received expressing the following concerns:

- a) There are considerable differences between the floor/ block plan;
- b) An accurate plan is required to ascertain what impact the build would have;
- c) An objection was made to the previous application due to the loss of light;
- d) The neighbours side wall is not parallel with the boundary with it closer at the back than the front; this affects outlook from the back window;
- e) The scale of the plan appears inaccurate- the extension would be 6m long;
- f) The angle at which the extension projects is 107° on the floor plan and 128° on the block plan so it is either parallel with the house or it slope towards the neighbouring property;
- g) If as shown on the block layout, the proposal is probably permissible and it is noted that the high level window would not overlook the neighbour.

### **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

5.2 Design/ Visual Amenity  
The application site forms a detached single-storey dwelling on the west side of Rudgeway Park. The application seeks planning permission for a rear addition, an attached garage and front porch.

5.3 The rear extension has proved the contentious element of the scheme with the previous submission withdrawn in view of its likely impact on the neighbouring property. As such, its size has been reduced to allow an addition that would project 3m into the rear garden and measure 6.1m in width where it abuts the dwelling. The southern flank wall would be tapered with the width of the build narrowing to 5m with this wall running parallel to the tapered flank boundary.

5.4 Further, whilst the original plans in respect of this submission allowed a pitched roof; it was noted that its irregular footprint appeared likely to have necessitate a small area of flat roof. Having raised this concern with the applicant; he has

- responded by removing the pitched roof with the extension now shown with a flat roof structure. Whilst not ideal, it is considered that any associated refusal reason would be unlikely to prove sustainable given that this element of the scheme would not be readily visible from the public viewpoints; it might also be completed as permitted development in the absence of the other works shown.
- 5.5 The attached garage and front porch have remained largely unchanged during the course of the three applications with no objections having been raised to these elements of the applications. As such, the garage would build to the north side of the dwelling, set back from the existing front wall and covered by a hipped roof slightly lower in height than that above the main dwelling.
- 5.6 The new front porch would measure 0.8m in depth, a little over 3m in width and would stand across the existing entrance encompassed by a front gable. In so doing, there remains no objection to these elements of the scheme.
- 5.7 Impact upon the Openness of the Green Belt  
Planning Policy Guidance Note 2 (Green Belts) carries a presumption against 'inappropriate development' within the green belt. However, limited extensions to existing dwellings are cited as appropriate development provided they do not compromise a disproportionate addition over and above the size of the original dwelling.
- 5.8 Nevertheless, notwithstanding the above, given that the property is within the settlement boundary where the principle of infill development is considered acceptable, it is not considered that planning permission could in any case, be reasonably withheld on this basis.
- 5.9 Residential Amenity  
The neighbouring dwelling to the south side of the application site is noted as of similar design albeit benefits from a flat roofed extension positioned centrally behind. Further, its recessed rear dining room window sits close to the shared boundary facing towards the site of the proposal.
- 5.10 In view of the above, the last application was withdrawn due to the overbearing impact and loss of light caused by the rear extension with this to have extended across to the flank boundary. To help mitigate this impact, the flank wall has now been pulled in so as to run parallel with this shared boundary; to this extent, it would have been preferable if the build could have been 'squared' by the applicant has resisted this change given that the retained area of garden to the side would be unusable. Subsequently, the high level side facing window has been removed whilst the flat roof would also further reduce its impact.
- 5.11 In view of the above and with the recessed position of this dining room window partly as a consequence of this neighbour's existing rear extension, it is not now considered that planning approval could be reasonably withheld on this basis. Further, the orientation of this neighbouring dwelling with its rear garden north facing also ensures that the sunlight should not be directly affected.
- 5.12 The attached garage would replace an existing car port and would not extend either forward or beyond the rear building line of the adjoining dwelling to this side. Further, with no facing windows within this side wall, it is not considered that any significant adverse impact in residential amenity would be caused.

5.13 Finally, in view of the size and position of the front porch, there is no objection to this element of the scheme having regard to any impact on the neighbouring dwellings.

5.14 Design and Access Statement

A Design and Access Statement is not required as part of this application.

5.15 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

**6. CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Background Papers**      **PT07/3140/F**

**Contact Officer:**      **Peter Burridge**

**Tel. No.**                      **01454 865262**

**CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 No windows shall be inserted at any time in the southern elevation of the property as extended.

Reason(s):

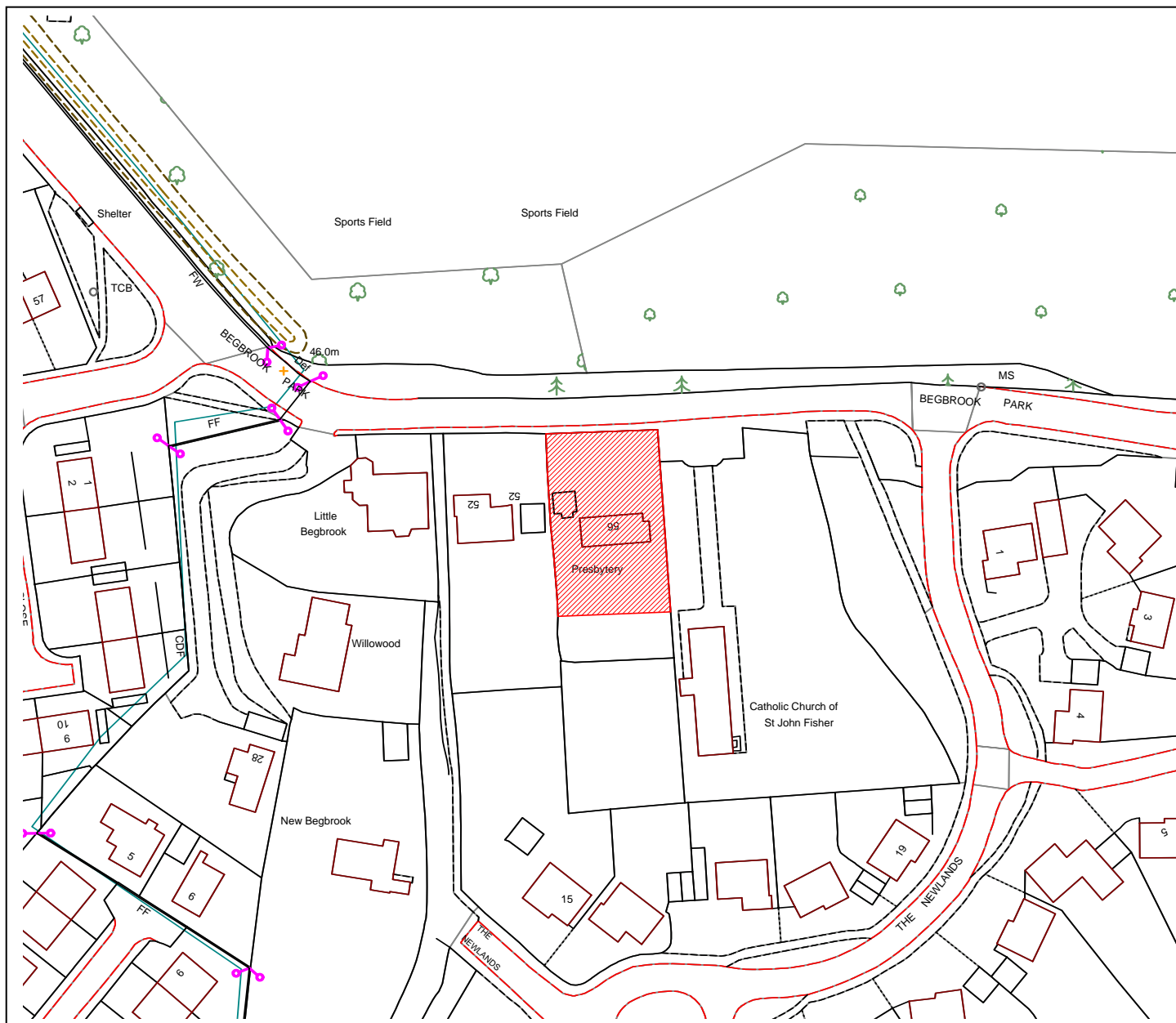
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

**App No.:** PT07/3205/F  
**Site:** 56 Begbrook Park Frenchay BRISTOL  
 South Gloucestershire BS16 1NF  
**Proposal:** Erection of two storey side and single  
 storey rear extension to provide  
 additional living accommodation.  
**Map Ref:** 63521 77432

**Applicant:** Mr D Barnes  
**Date Reg:** 29th October 2007  
**Parish:** Winterbourne Parish  
 Council  
**Ward:** Frenchay and Stoke  
 Park



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**N.T.S**

**PT07/3205/F**

## **INTRODUCTION**

The application appears on the Circulated Schedule in view of a letter of objection received from Winterbourne Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a two-storey side extension and a single-storey rear extension.
- 1.2 The application site comprises a two-storey detached property on the south side of Begbrook Park Road within the Frenchay Conservation Area.
- 1.3 An additional plan has been received as part of this application detailing the proposed western elevation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG15 Planning and the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Residential Curtilages  
L12 Conservation Areas
- 2.3 Supplementary Planning Guidance  
Urban Design Checklist (Supplementary Planning Document)  
Frenchay Conservation Area

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection: Plans are totally inadequate
- 4.2 Conservation Officer  
No objection subject to the following conditions:
  1. Notwithstanding previously submitted details, prior to the commencement of development, the design and details including materials and finishes of the following shall be approved in writing by the Local Planning Authority:
    - a. Eaves, verges and ridges;
    - b. All new windows including cill and head treatments;
    - c. Reveals;
    - d. All new external doors.

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5. The scheme shall be implemented strictly in accordance with the approved details.

2. No wires, pipe work, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved otherwise than with the prior written agreement of the local planning authority. *(This is not aimed at requesting a further application.)*
  3. Prior to the commencement of development an annotated elevation together with a schedule of finishes shall be submitted to and agreed in writing by the local planning authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.
  4. Prior to commencement of development a representative sample of roofing tile shall be submitted and approved in writing by the local planning authority.
- 4.3 Local Residents  
No comments received.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.
- 5.2 Planning policy L12 cites that development will only be allowed where it would conserve or enhance the character and appearance of the Conservation Area.
- 5.3 Design/ Visual Amenity  
The application site comprises a detached two-storey dwelling on the south side of Begbrook Park Road. The dwelling is within the Frenchay Conservation Area although it is not historic, with cement render elevations and a central bay formed of reconstituted stone cladding.
- 5.4 The application would allow a two-storey side extension and single-storey rear addition that would wrap around the east side of the unit. It is noted that the side extension would replace an existing lean-to which is in a poor state of repair. In so doing, the side addition would provide a nursery/ children's room to the front with a utility behind and with an ensuite bedroom above. The rear extension would accommodate part of the utility and allow a kitchen extension.
- 5.5 The side extension would appear subservient to the host dwelling set back slightly at the front and encompassed by a lower ridge. It would measure 3.4m in width extending across to the flank boundary. The rear extension would run to the rear of this addition and part of the existing dwelling measuring 8.3m in length and projecting 2m into the rear garden. This would be encompassed by a lean-to roof.
- 5.6 In response, the extensions are considered to be appropriate in scale and thus there is no objection to the principle to the additions as shown. However, there is some concern in view of the poor state of repair of the existing building and the inappropriate uPVC windows that have recently been added. As such, the enlargement of the building in its current state would only serve to increase its prominence and thus further harm both the character and appearance of the Conservation Area.

- 5.7 In view of the above, the proposal would only be acceptable if it were combined with the enhancement of the existing building; this is apparently the intention of the applicants. However, the level of detail on the plans submitted is poor and thus whilst planning permission could not be reasonably withheld on this basis, conditions are suggested to ensure an acceptable standard of build and the use of appropriate materials. It would though be difficult to resist further uPVC windows given that those installed have been done as permitted development.
- 5.8 Further to the above, it is noted that the existing chimneys are to be removed. However, it is considered that these aid the balance and appearance of the building and thus a further condition is suggested requiring their retention.
- 5.9 Finally, the block plan details the provision of a new shed and the widening of the existing vehicular access. To this extent, the shed would be better sited to the opposite side of the garden where it would be more concealed. However, boundary trees would make this difficult to achieve and thus on balance, its position is considered to be acceptable. Concerning the entrance, its widening (by demolishing part of the front wall) would diminish the sense of enclosure along Begbrook Park Road and make the building more prominent. Only a small increase in width would therefore be acceptable thus these details should be shown on a revised block plan; again achieved by means of a condition.
- 5.10 In view of the above, and subject to the above conditions as detailed, there is no objection to the proposal.
- 5.11 Residential Amenity  
The application site is devoid of any neighbouring dwelling to this eastern side with the Catholic Church of St. John Fisher adjoining the application site. This comprises a single-storey build which sits within a large plot behind the rear boundary of the application. Land associated with the church also runs behind the application site.
- 5.12 The only dwelling adjoining the application site therefore forms 52 Begbrook Park Road to the west of the application site. This is well screened from the application site whilst given the positioning of the proposals; it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.13 Highway Safety  
Given that the scheme involves extensions to an existing dwelling and would allow an increase in width to the existing access, there is no highway objection to this current proposal.
- 5.14 Design and Access Statement  
A Design and Access Statement is not required as part of this application.
- 5.15 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

### **Background Papers**      **PT07/3205/F**

**Contact Officer:**    **Peter Burridge**  
**Tel. No.**                **01454 865262**

### **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Notwithstanding previously submitted details, prior to the commencement of development, the design and details including materials and finishes of the following shall be approved in writing by the Local Planning Authority:
- a. Eaves, verges and ridges
  - b. All new windows including cill and head treatments
  - c. Reveals
  - d. All new external doors

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5. The scheme shall be implemented strictly in accordance with the approved details.

Reason(s):

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted) January 2006.

- 3 Any further wires, pipework, satellite dishes, aerials, alarms or other paraphernalia to be affixed to the external elevations of the development hereby approved shall be firstly

agreed in writing with the Local Planning Authority. Development shall then proceed strictly in accordance with these agreed details.

Reason(s):

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted) January 2006.

- 4 Prior to the commencement of development an annotated elevation together with a schedule of finishes shall be submitted to and agreed in writing by the Local Planning Authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason(s):

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted) January 2006.

- 5 Prior to commencement of development a representative sample of roofing tile shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the tiles agreed.

Reason(s):

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted) January 2006.

- 6 Notwithstanding the details received, chimney stacks at either end of the building shall be retained.

Reason(s):

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted) January 2006.

- 7 Notwithstanding the details received, prior to the commencement of development, a revised block plan showing the revised vehicular entrance of no more than 5m in width shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the development proceed in accordance with the agreed scheme.

Reason(s):

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at Planning Policy Guidance Note 15 and Planning Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

**App No.:** PT07/3292/F  
**Site:** 63 Cornfield Close Bradley Stoke  
 BRISTOL South Gloucestershire BS32  
 9DN

**Applicant:** Mrs M Lovlekar  
**Date Reg:** 6th November 2007

**Proposal:** Conversion of existing garage to living  
 accommodation and erection of rear  
 conservatory.

**Parish:** Bradley Stoke Town  
 Council

**Map Ref:** 61516 82355

**Ward:** Bradley Stoke  
 Central and Stoke  
 Lodge



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## **INTRODUCTION**

This application appears on the Circulated Schedule as there is an objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of rear conservatory and conversion of attached garage to additional living accommodation at 63 Cornfield Close, Bradley Stoke.
- 1.2 The application site is a mid-terraced property located to the end of a cul-de-sac. The garage adjoins another garage and has a flat above. It lies within the urban area of Bradley Stoke.
- 1.3 The rear conservatory measures 3.3m in depth, 3.65m in width and has a maximum height of some 3.1m.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG13 Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
EP1 Environmental Pollution  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No response received.
- 4.2 Sustainable Transport  
No objection subject to a condition requiring an additional off-street parking space.
- 4.3 Local Residents  
1 letter has been received objecting to the proposal on the following grounds:-
  - a) the garage, adjoining garage and flat above is in my ownership and the garage is leased by the applicants;
  - b) the garages form an integral part of the structure of my property and are insured by me as part of my property's buildings insurance;



- c) proposed use of garage as a children's play room will cause noise and disturbance as it is below my bedroom;
- d) the lease contains various restrictive covenants, including use of the garage purely as a garage;
- e) erection of conservatory will involve erection of walls and cutting etc the structure of my property;
- f) as the freehold owner of the building and the Lessor, I do not consent to the conversion of the garage and erection of conservatory in accordance with the terms of the Lease.

Of the above, a, b, d, e and f are not planning matters but of a civil nature and cannot be taken into account in the consideration of this application. However, it should be pointed out that if planning permission is granted, it does not grant rights to carry out works on, or over, land not within the ownership or control of the applicant. The written consent of the owner and occupier of any land upon which it is necessary to enter in order to construct or in any way carry out works in connection with the development must be obtained. Planning permission does not override land ownership issues.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

5.2 It is considered that on balance, the application accords with the above policy criteria. The rear conservatory is of a size and design that is in keeping with the existing property and area as a whole and due to its limited size, location and single storey nature will not adversely affect the residential amenity of surrounding occupiers. No overlooking/loss of privacy or overbearing impact will occur as the residential accommodation of the adjoining property is at first floor level. The boundary also consists of a 1.8m fence. The freestanding shed of the adjacent property will also largely screen the development from view. Adequate garden area will also remain.

5.3 The garage conversion will result in the loss of one parking space, leaving one off-street parking space available on the driveway to the front of the garage. Whilst this complies with the Council's parking standards as set out under adopted policy T8, the site is located adjacent to a turning head. As such any additional on-street parking may result in the obstruction of the turning head to the detriment of highway safety. Provided an additional parking space is provided, no objection is raised to the proposal. This can be secured by a condition.

5.4 With regard to possible noise and disturbance resulting from the use of the garage to a children's playroom, it is considered that provided adequate sound insulation is provided, the proposal will be acceptable. This can be a condition of any consent. In conclusion the proposal accords with the adopted plan and is acceptable.

## 5.5 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 Planning permission be granted.

### Background Papers      **PT07/3292/F**

**Contact Officer:**    **Vivian Butt**  
**Tel. No.**                **01454 863427**

## CONDITIONS

1    The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2    Prior to the commencement of development, a plan showing the provision of an additional off-street parking space, in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the additional off-street parking provided prior to the conversion of the garage. The existing driveway and additional parking space shall thereafter be retained for that purpose.

Reason(s):

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 The development hereby authorised shall not be commenced until a scheme of sound insulation for protecting the flat above from noise has been submitted and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme of sound insulation has been completed.

Reason(s):

To minimise disturbance to occupiers of the flat above and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 4 The hours of working on site during the period of construction shall be restricted to 08.00 hours to 18.00 hours Monday to Friday and 08.00 hours to 13.00 hours on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition also include the use of any plant or machinery (mechanical or other).

Reason(s):

To minimise disturbance to occupiers of the flat above and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007

**App No.:** PT07/3295/F  
**Site:** 47 Silver Birch Close Little Stoke  
 BRISTOL South Gloucestershire BS34  
 6RN

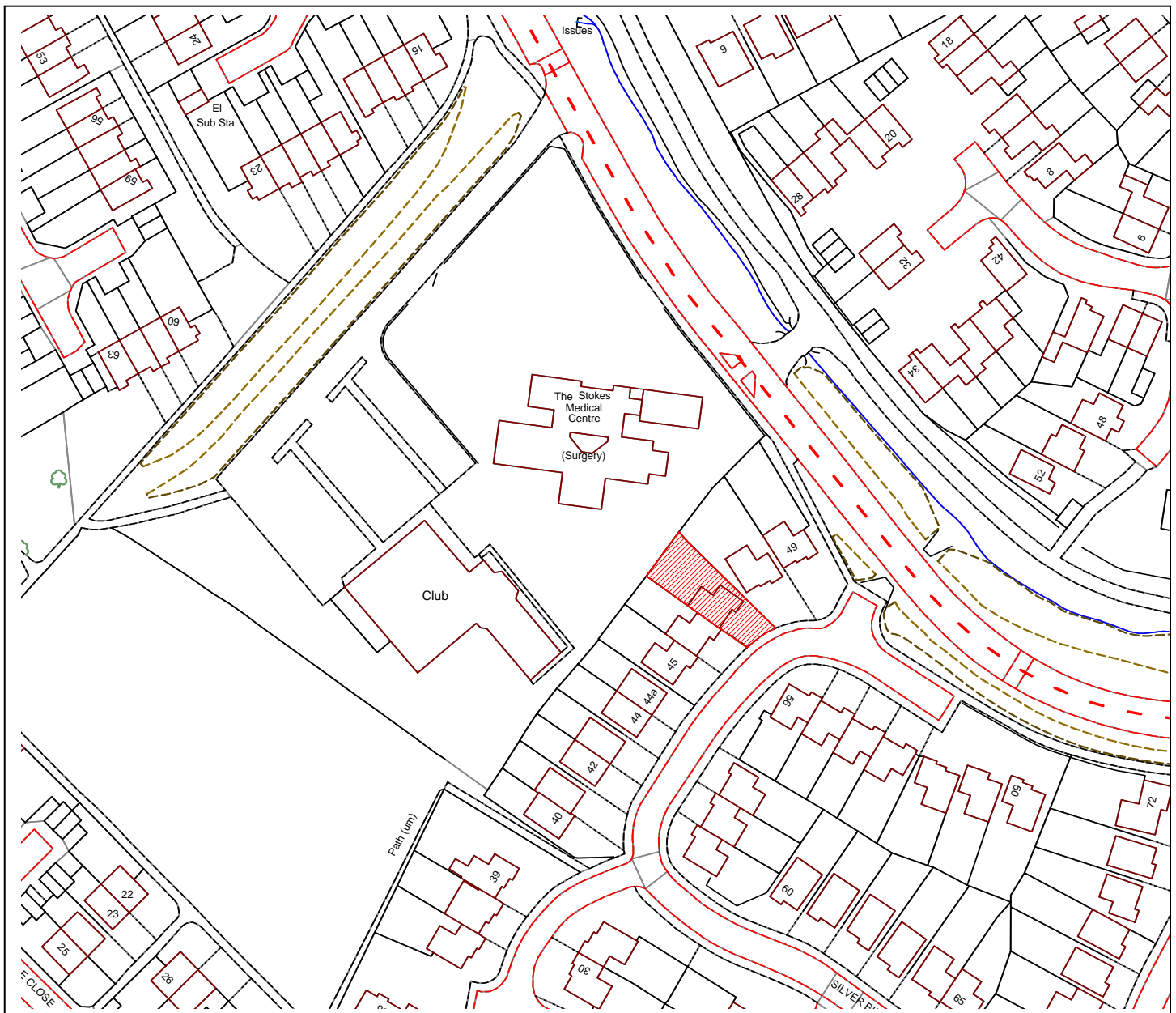
**Applicant:** Mr & Mrs Vicary  
**Date Reg:** 6th November 2007

**Proposal:** Erection of single storey front extension to form extended living room and hall area. Erection of two storey rear extension to provide additional living accommodation.

**Parish:** Stoke Gifford Parish Council

**Map Ref:** 61631 81289

**Ward:** Stoke Gifford



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## **1. THE PROPOSAL**

- 1.1 The site consists of a modern link-detached dwelling. The dwelling has been extended over and to the rear of the associated garage (P89/2756). A conservatory extension has also been added to the rear of the dwelling (PT03/1599/F).
- 1.2 The proposed development consists of the removal of the existing conservatory and the construction of a two storey and single storey extension to the rear of the dwelling. It is also proposed to introduce a small single storey extension to the front of the dwelling.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Residential curtilages  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P89/2756 Erection of two storey side extension to provide kitchen and wc with bedroom and ensuite bathroom above. (in accordance with the revised plans received by the council on the 25<sup>th</sup> October 1989)  
Approved
- 3.2 PT03/1599/F Erection of rear conservatory.  
Approved

## **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Object on the grounds that the development is out of keeping.
- 4.2 Sustainable Transport  
No Objection
- 4.3 Local Residents  
One letter of objection is received. The objection originates from the neighbouring property at 46, Silverbirch Close. The relevant comments are summarised below
- 4.4 The proposed development exceeds the rear building line of the existing dwellings
- 4.5 The development will have an overbearing impact over the patio and conservatory area of the adjoining property

- 4.6 The proposed rear extension is not in keeping with the character of the neighbourhood.
- 4.7 The proposed new bathroom window would overlook the private area to the rear of adjoining property
- 4.8 The proposed development would compromise the development opportunities at the adjoining property.
- 4.9 The proposed extension to the front of will exceed the front building line at the adjoining property
- 4.10 The proposed windows are not in keeping with the neighbourhood

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of the construction of an extension to the existing dwelling. The site is within the Urban Area associated with the Bristol North Fringe.
- 5.2 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the development is acceptable in principle subject to the following considerations.
- 5.3 Design  
The site and the surrounding area is characterised by a subtle variety of modern house types. None are of any particular architectural merit, but the site and the surrounding development take on a modest and domestic appearance standing within mature landscaping. The subject dwelling is one of three link-detached units. The majority of the nearby dwellings are of the same house types, yet there are extensions and alterations to these buildings apparent throughout the area generally.
- 5.4 There are two elements to this planning application. The proposed extension to the front of the dwelling would provide a very modest extension to the existing living room. Effectively, the extension would bring the front elevation of the living room and hall into line with the most forward part of the dwelling to the front of the garage. Although this would extend forward of the adjacent property, the amount of projection is very small and the design of the extension would carry the detailing of the existing dwelling through the full front elevation of the dwelling. It is therefore considered that the design of this element of the proposed development is acceptable and is in keeping with the dwelling itself. Although the proposal drawings show a change in the style of the window to the living room, it is considered that this change would have no impact upon the visual amenity of the dwelling and the surrounding locality.
- 5.5 The proposed rear extension would take the position currently occupied by the existing conservatory. The development would provide two storey accommodation across two thirds of the rear elevation of the dwelling; and a single storey extension to the area behind the existing kitchen accommodation and garage. The extension is 3.7 metres deep and is two storey against the boundary of the adjacent property at 46, Silverbirch Close. The two storey element continues the existing gable of the dwelling into the rear garden of the subject property. The extension is made subservient in terms of the over all

- height in comparison with the existing dwelling. The single storey element is formed by way of a lean-to construction off the proposed two storey extension. The detailing of this extension is consistent with that of the subject dwelling and the surrounding locality. It is not considered that the fact that this extension extends beyond the rear building line would render it out of keeping with the surrounding locality. Indeed, it is considered that the extension is well designed and is acceptable in its own right.
- 5.6 Having regards to the above, it is considered that the design of the proposed extension is acceptable in its own right.
- 5.7 Residential Amenity  
Public comment relating to the proposed development has raised concern relating to the impact of the development on the privacy and residential amenity of the occupants of the adjoining dwelling at 46, Silverbirch Close. Specific concerns relate to the introduction of a new window into the South West Elevation of the subject dwelling. There is no control over the introduction of windows through the normal planning process as such does not constitute development. To this end, it would be possible to introduce a window into this elevation without the need for planning consent. Nonetheless, this window would serve a new bathroom and as such would relate to a non-habitable room and as such the use of the room would not provide overlooking opportunity in the same way as a habitable room (such as a bedroom). Obscured glazing can be required by condition in order to reduce any view across the neighbouring dwelling to a minimum. It is therefore considered that the introduction of this window would have no material impact in residential amenity terms.
- 5.8 The main bulk of the proposed development will take alongside the boundary of the subject dwelling with the adjacent dwelling at 46, Silverbirch Close. The Southwest elevation of the extension will extend by 3.7 metres along this boundary at two storeys. The effect is that a blank wall will be visible from the rear garden of the adjacent dwelling. However, there is reasonable separation between the proposed extension and the main living accommodation, including the existing conservatory, which is associated with the adjacent property. This is approximately 3 metres (the width of the garage). In addition, the dwellings are orientated so that the rear elevations face Northeast, with the rear gardens projecting in the same direction. As such, the proposed extension is situated due north of the dwelling and garden area at 46, Silverbirch Close and the impact of the extension upon the residential amenity of the occupants of that dwelling would be reduced as a result. On balance, therefore, it is considered that the proposed development is acceptable in residential amenity terms.
- 5.9 Transportation  
Given the nature of the proposed development, it is considered that there would be no material impact as a result of this development in transportation terms.
- 5.9 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission be granted subject to the following conditions

**Background Papers**      **PT07/3295/F**

**Contact Officer:**      **Simon Penketh**  
**Tel. No.**                      **01454 863433**

## **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The new window to be introduced into the Southwest elevation of the dwelling at first floor level (serving the new bathroom) shall at all times be glazed using obscured glass and shall be permanently fixed in a closed position. The obscure glazing to be used shall be at least level 3 obscure glazing standard

Reason(s):

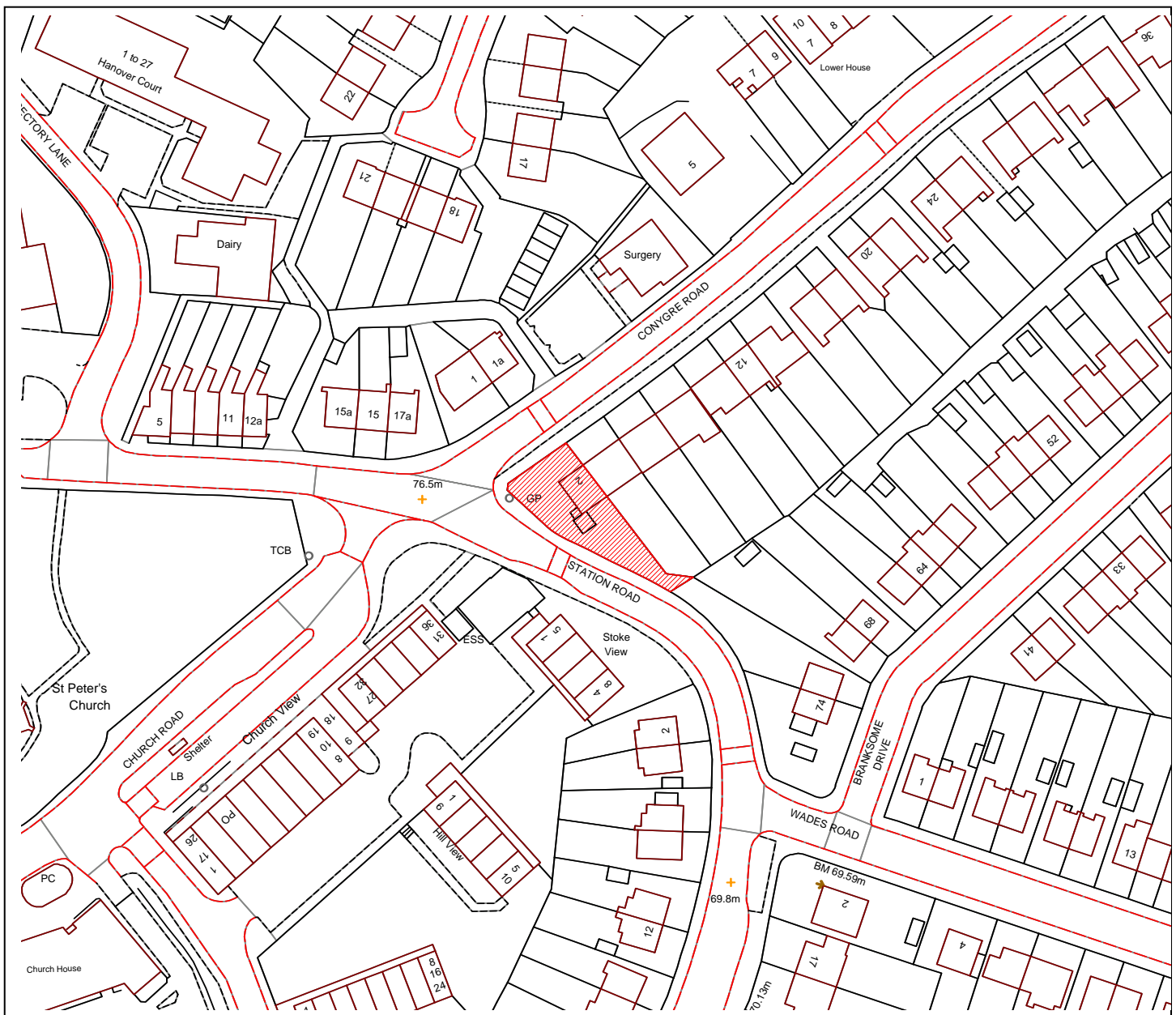
To protect the privacy and amenity of neighbouring occupiers at 46 Silverbirch Close, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 49/07 – 07 DECEMBER 2007**

**App No.:** PT07/3347/F  
**Site:** 2 Conygre Road Filton BRISTOL South Gloucestershire BS34 7DA  
**Proposal:** Erection of 2 storey side and single storey rear extension to facilitate conversion of existing house to 4 no. flats, to include alterations to existing access and associated works (in accordance with amended plans received on 22 November 2007).  
**Map Ref:** 60439 79232

**Applicant:** Mr S Dutta  
**Date Reg:** 12th November 2007  
**Parish:** Filton Town Council  
**Ward:** Filton



## **INTRODUCTION**

This application has been referred to the Circulated Schedule on the grounds of objections received from Filton Town Council and local residents.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a two storey side extension and single storey rear extension to facilitate the conversion of existing dwelling to provide four one bed flats at 2 Conygre Road, Filton. The rear garden is to be split in two to provide garden area for both ground floor flats. Off-street parking for 4 vehicles is to be provided to the front of the site. The bin store and recycling area is located to the side of the extension and accessed from the front of the site. Bike storage for all four flats is also provided.
- 1.2 The application site is a semi-detached property located on a large corner plot on the junction with Conygre Road and Station Road. It lies within the urban area of Filton. Vehicular access is to the front of the site, off Conygre Road.
- 1.3 The application is a resubmission of PT07/2290/F. The current scheme is the same as previous in terms of the proposed extensions. However, the previous application was more intensive in that it provided 2 one bed and 2 two bed flats. The layout also differed in that the rear garden was communal amenity area including cycle store and bin enclosure. Pedestrian access from front to rear was also provided for all the flats with 5 off-street parking spaces to the front. The existing front wall enclosing the site was also to be removed as part of the scheme.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPS3 Housing
  - PPG13 Transport
- 2.2 Joint Replacement Structure Plan
  - Policy 1 Sustainable Development Objectives
  - Policy 2 Location of Development
  - Policy 34 Re-use of Previously Developed Land
  - Policy 35 Housing Density
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
  - H5 Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes
  - T7 Cycle Parking
  - T8 Parking Standards
  - T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
  - South Gloucestershire Design Checklist

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT02/2162/F Erection of single storey side extension to form utility room and W.C.  
Approved 12 August 2002.
- 3.2 PT07/1735/F Erection of two storey side extension to facilitate conversion of existing dwelling to 4 no. flats and construction of new access with associated works.  
Withdrawn 9 July 2007.
- 3.3 PT07/2290/F Erection of two storey side extension to facilitate conversion of existing dwelling to 4 no. flats. Alteration to existing access with associated works (Resubmission of PT07/1735/F).  
Refused 20 August 2007 on the following grounds:-
- a) over-intensification in residential use of site which would increase noise and disturbance to surrounding residents and future occupiers of flats;
  - b) cramped form of development;
  - c) parking area would detract from visual and residential amenity;
  - d) restricted rear communal garden area;
  - e) cycle and bin store would detract from visual amenities of the locality.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
Reiterate previous objections on the following grounds:-
- a) over-intensive;
  - b) insufficient parking;
  - c) roofline out of keeping with character of the area;
  - d) support objections from neighbouring property;
  - e) strongly objects to increasing number of family homes being converted into flats.
- 4.2 Sustainable Transport  
No objection subject to contribution to mitigate against the impact on the local road network.
- 4.3 Local Residents  
4 letters have been received objecting to the proposal on the following grounds:-
- a) increased on-street parking;
  - b) loss of view;
  - c) loss of light;
  - d) if development goes ahead I will be unable to sell my property.
  - e) size of extension;
  - f) proposal is not an extension but a new property;
  - g) my property would change from a semi-detached dwelling to an end terraced property;

- h) location of kitchen and bathroom may cause noise and potential damp;
- i) possible structural damage from plumbing;
- j) loss of privacy;
- k) noise and disturbance;
- l) location of car parking to front;
- m) increased car parking;
- n) increased refuse/bins;
- o) detrimental to local history of Filton;
- p) loss of family home;
- q) highway safety issues;
- r) inadequate parking;
- s) design;
- t) over-intensive;
- u) owner does not live in Filton and does not care about local community;
- v) type of residents;
- w) possible loss of wall.

Of the above, b, d, g, h, l, u and v are not relevant planning matters.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Background

As can be seen from the planning history, the previous application was refused on numerous grounds. The main issue was the over-intensification in residential use of the site. The current application differs in that the number of bedrooms has been reduced and the layout has been improved.

### 5.2 Principle of Development

The application site lies within the urban area of Filton. Advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households, subject to compatibility with local amenity and site characteristics. This policy stance is reflected in policy H5 of the adopted local plan. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

#### **A. the development would not prejudice the character of the surrounding area;**

5.3 It is considered that the design of the proposal is, on balance, acceptable. The extensions are of a size and design in keeping with the existing dwelling and the area as a whole. The two storey element is clearly a subservient addition, set 1m back from the front building line with the ridge height 0.8m below the ridge height of the existing dwelling. The existing hipped roof form is replicated and the proportions and proposed materials reflect the original dwelling.

5.4 The application site lies on a corner plot. This area of Filton, although urban in nature, maintains a degree of openness by virtue of its site layout. Corner plots are quite generous in nature. Although the proposal extends the width of built development by some 6m to the front, it is considered that the revised scheme is acceptable. The intensification in residential use of the site has been reduced and the revised layout has a far less cramped appearance. The cycle stores for

both ground floor flats are now located within their rear gardens with the cycle store for the first floor occupants sited to the side of the extension. This ensures that the cycle stores are overlooked and more secure whilst significantly reducing the visual impact within the street scene. The bins and recycling boxes have also been relocated, adjacent to the side wall of the extension. The bins will be screened to a large degree by the existing wall and again the overall visual impact reduced to a satisfactory level. This greatly improves upon the previous application which consisted of a large cycle store and bin enclosure. This was located in the rear garden which is highly visible and elevated as well as being adjacent to the boundary with Station Road. The application therefore accords with this criterion.

**B. it would not prejudice the amenities of nearby occupiers;**

- 5.5 The proposed two storey extension by reason of its location to the side of the property will not adversely affect the residential amenities of nearby occupiers in terms of any loss of privacy/overshadowing/overbearing impact. Moreover, the rear extension due to its single storey nature, limited depth at 3m and 2.2m distance from the boundary is also acceptable in residential amenity terms.
- 5.6 As the current scheme now relates to four one-bed flats instead of two one-bed and two two-bed flats, the intensification in residential use of the site has now been reduced to an acceptable level. The revised garden layout and location of bin stores and cycle parking ensures that the development is no longer cramped in appearance and can be adequately accommodated on the site without detracting from the street scene. Moreover, due to the revised garden layout no loss of privacy will occur to the future occupiers of the proposed flats at ground floor level, unlike the previous scheme.
- 5.7 In terms of the off-street parking to the front of the site, this has also been improved by the removal of one parking space. The parking area will also be screened to a degree by the existing stone boundary wall which is attractive in appearance and is to remain as part of the current scheme. This overcomes previous concerns relating to the visual impact upon the street scene and also provides more space to the front of the site, moving the car spaces further away from the development. The pedestrian access leading from the front of the site to the rear has also been removed under this application which will reduce noise and disturbance. It is considered that on balance, these measures will overcome previous concerns relating to visual amenity and noise and disturbance issues. The proposal therefore complies with this policy criterion.

**C. it would identify an acceptable level of off-street parking;**

- 5.8 The proposal provides 4 off-street vehicular parking spaces in the front garden area with the existing vehicular access widened and gate removed. Parking for 4 bicycles is also to be provided within the site. Access to the site is via a widened existing vehicle access and this is considered acceptable to serve the proposed development. The layout of the parking area ensures that it will be possible to enter and leave the site in a forward gear, albeit with a bit of manoeuvring. However, it is not a requirement for vehicles to enter and leave in a forward gear in this location. The existing wall along the street frontage can be retained as it will not impact upon the safe operation of this site.
- 5.9 The site is located in a sustainable location within South Gloucestershire, close to local services, public transport and employment. As such reduced parking

standards would normally be expected. The surrounding highway network in the vicinity of the site currently has in force parking and waiting restrictions which control congestion and on-street parking in the area. The proposal provides for appropriate cycle storage for a minimum of 1 cycle per flat and this complies with policy T7 of the adopted local plan. Car parking provision provides one car parking space per flat. This also complies with policy T8 of the adopted local plan.

- 5.10 However, in order to mitigate against incremental traffic damage a contribution of £1,800 (£900 per flat in the extended part of the building) is required towards the North Fringe Development Proposal (Transport Measures). In the event of an approval, this would be sought via a S.278 agreement under the Highways Act.

**D. it would provide adequate amenity space.**

- 5.11 The proposal provides rear garden to both ground floor flats. Although irregular in shape, they have a length of some 20m with the smallest garden having an area in excess of 60m<sup>2</sup>. This amount of garden is considered adequate to serve one bed accommodation as proposed. It is considered that the revised garden layout overcomes the previous refusal reason relating to the communal garden area. Loss of privacy to the ground floor flats has been overcome by allocating the rear garden to both ground floor flats. As the rear garden area is no longer communal, the intensification in residential use of the site has also been reduced. The rear garden area will only be used by occupants of the ground floor flats which will overcome any noise and disturbance issues. Although it is recognised that both first floor flats will have no private amenity space, it is considered that as they are one-bed flats they will not provide family accommodation. As such it is not an essential requirement that private amenity space is provided.

- 5.12 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is also relevant as it specifically relates to development within existing residential curtilages, including extensions and new dwellings. All the issues relating to this policy have already been addressed under policy H5 above.

5.13 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.14 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement (or similar agreement) and would satisfy the tests set out in Circular 05/2005. However this contribution could equally well be secured through a S278 agreement under the Highways Act 1980.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering a legal agreement to secure the following:
- (a) A financial contribution of £1,800 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate to the scale of the development towards the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) If the legal agreement is not signed within 12 months of this determination then, in view of the length of time the application should be refused due to the failure to secure the mitigation:

In this instance, having regard to the above advice, the transportation contributions are appropriately the subject of a Section 278 Agreement and would satisfy the tests set out in Circular 05/2005.

### Background Papers      **PT07/3347/F**

**Contact Officer:**    **Vivian Butt**  
**Tel. No.**                **01454 863427**

## CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained,

together with measures for their protection during the course of the development and proposed planting and times of planting. Development shall be carried out in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies H4/D1/H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the flats hereby authorised are occupied, and thereafter retained for that purpose.

Reason(s):

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 4 The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of surrounding dwellings and to accord with Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5 The screen fences shown on the approved plan shall be erected in the positions indicated before the flats are occupied.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 6 The stone work to be used externally in the blocking up of the existing pedestrian gateway as indicated on the approved plan shall match that of the existing boundary wall in type, colour, texture, size, coursing and jointing.

Reason(s):

To protect the character and appearance of the area to accord with Policies H4/D1/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7 With the exception of the widened vehicular access and new pedestrian access to rear, the existing stone wall enclosing the boundary of the site shall be retained.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1/H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 8 The parking area to the front of the site shall be constructed of a bound surface.



Reason(s):

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 9 No entrance doors or gates shall be hung so as to open over or across the public highway/footway.

Reason(s):

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.